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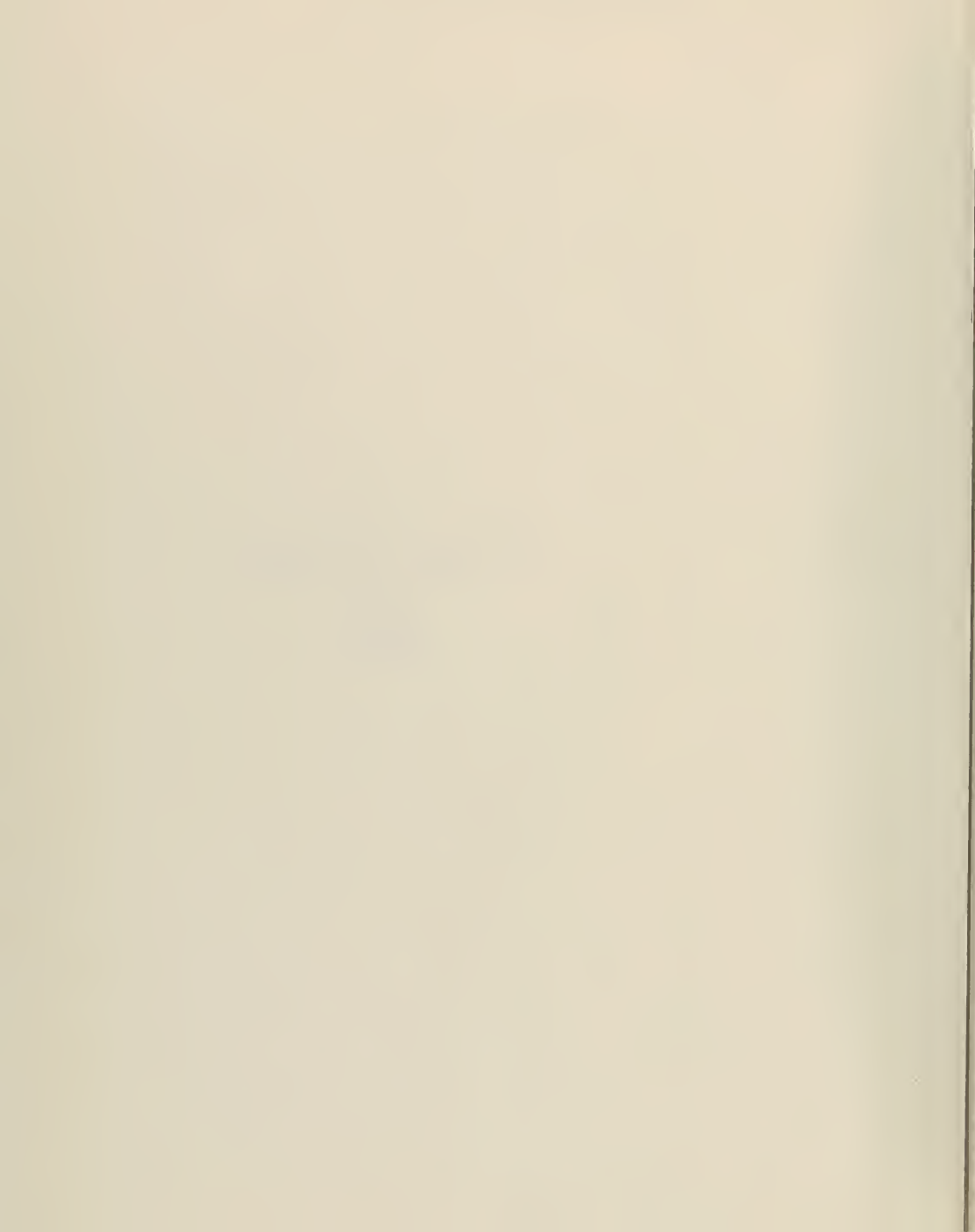
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CITY PLANNING COMMISSION

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Minutes of the Regular Meeting held Thursday, July 1, 1976.

The City Planning Commission met pursuant to notice on Thursday, July 1, 1976, at 100 Larkin Street at 1:00 p.m.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, George Carey, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Ina F. Dearman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Janis Birkeland, City Planning Coordinator; Edward Michael, Planner III; Marie Zeller, Planner III; Robert Feldman, Planner II; Ralph Gigliello, Planner II; Kit Hermann, Planner II; James Hirsch, Planner II; Douglas Holmen, Planner II; Barbara Sahm, Ecological Consultant, and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Progress; and Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration later in the meeting.

2:15 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the minutes of the meeting of June 10, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that he and Mr. Pio had attended a meeting of the Legislative & Personnel Committee of the Board of Supervisors on Wednesday to testify in support of proposed Charter amendments which would provide for selection of one of the top three eligibles from Civil Service lists and which would exempt heads of departments, assistant heads of departments and heads of major bureaus from the Civil Service provisions of the Charter. Commissioner Rosenblatt stated that he intends to discuss these proposed Charter Amendments at next weeks meeting of the Budget & Personnel Committee of the Commission preparatory to recommending that they be endorsed by the full Commission.

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The Director announced that the Board of Permit Appeals had sustained actions taken by the Commission disapproving two building permit applications on Belgrave Avenue and requiring retention of trees on a building site on Monterey Boulevard.

Commissioner Rosenblatt requested that the Commission be given a weekly report on actions taken by the Board of Permit Appeals relating to decisions of the Commission or the Zoning Administrator.

The Director, noting that the Commission had previously requested a review of the issues involved with the completion of Interstate 280 and the removal of the Embarcadero Freeway, stated that these matters are being reviewed by the Northern Waterfront Planning Advisory Committee and will be brought before the Commission for discussion after the Advisory Committee has completed its review.

Commissioner Rosenblatt informed the members of the Commission that the Director of the Port and representatives of various steamship lines will be present at the next meeting of the Advisory Committee on Friday, July 9, to discuss the long-term maritime plan for the Port.

The Director reported that the proposed Board of Supervisors resolution mandating service reductions on the cable car system during the winter will be tabled.

The Director continued his report as follows:

"The Board of Supervisors currently has before them a proposed fare increase for taxis based upon an application by Yellow Cab Co. Consideration by the Board was postponed for one week last Monday; the item was voted out of committee without recommendation.

"The proposal is opposed by many smaller taxicab companies and independent drivers. There has been a succession of several fare increases in recent years granted at the request of Yellow Cab.

"I have written to the Board pointing out the proposal's conflict with the Transportation element of the City's Comprehensive Plan:

Policy number 6 under Objective number 1 of the Mass Transit segment of The Transportation element states, 'Maintain a taxi service adequate to meet the needs of the City and keep fares reasonable.' As pointed out under this policy, taxis serve as an essential supplement to the transit system for many residents and workers here in San Francisco, especially the elderly. The Plan further points out that although taxis should continue to be regulated, competition should be encouraged to improve service and lower fares.

"I intend to be discussing the potential for improved and expanded transportation services through taxis, carpools, jitneys and other forms of what is called 'para-transit' with the Commission at a future date, and I have offered to discuss these matters with the Board as well as in my letter."

The Director then read the following statement:

"Alan Lubliner, Head of our Transportation Section, served as Acting Chairman last week of the National Transportation Task Force of the Urban Consortium is composed of the 27 largest U.S. cities and 6 largest urban counties and was organized to provide a cooperative forum for identifying and addressing technology-oriented urban needs--as identified by the cities themselves.

"The Consortium and its staff, Public Technology Incorporated, have been organized for this purpose by the International City Management Association, the U.S. Conference of Mayors, the National League of Cities and the National Association of Counties. Mr. Lubliner is normally vice-chairman of the Consortium Transportation Task Force.

"The Task Force has selected 10 top priority transportation needs/problems/projects from among over 100 submitted by member jurisdictions. PTL as Task Force staff is currently working on a manual on the subject of transit preferential lanes--one of the 10 top priorities--drawing upon the experiences in San Francisco and other cities, and, hopefully providing us with some new and better ideas on process as well as physical solutions. The Task Force has also helped arrange for an UMTA commitment toward better, more orderly, understandable and rapid, response to City grant applications--another one of the top priorities.

"The next highest priority in coming months will be toward improving management systems and 'productivity' measures in all matters related to urban transit. It is anticipated that there will be many ideas and much information generated by this process useful to San Francisco and particularly to the planning process in San Francisco."

The Director continued his report as follows:

"1) The Golden Gate Bridge, Highway and Transportation District has applied to the Urban Mass Transportation District (UMTA) for Service and Methods Demonstration Program funds to lease two (2) HM2 Mark III hovercraft to supplement ferry service beginning next year. The addition of hydrofoils to ferry service will allow shorter headways on Marine - San Francisco runs from Larkspur and Sausalito (reduced from 30 to 15 minutes) and additional, new service from Loch Lomand in San Rafael.

"In response to the Association of Bay Area Governments (ABAG) in its capacity as the A-95 Review Clearinghouse, staff has expressed support for the Golden Gate application based on the Golden Gate Corridor policy adopted by this Commission on May 27 of this year. As you recall, that policy supports the ferryboat service as 'a type of transit improvement causing the least disruptive impact on San Francisco' and urges incentives to encourage water transportation 'as an alternative to either additional commuter automobiles or busses on San Francisco streets.'

"2) In a related matter, staff has been working with the staffs of the Bridge District and Muni to develop a discount transfer between the ferries and Muni routes serving the San Francisco Terminal. The proposed discount arrangement, to be subsidized by the Bridge District, is being considered by the District this week. If adopted, Muni, City Planning and the Department of Public Works will proceed with plans to connect Market and Mission Street diesel busses with the ferry terminal. Staff also will be looking at locations for transfer on the Embarcadero in terms of Waterfront planning."

The Director announced that a joint meeting of the City Planning Commission and the Public Utilities Commission will be scheduled on July 15 at 8:00 P.M. in the Community College Auditorium at 33 Gough Street to consider the proposed Transit Preferential Plan for Mission Street in the downtown area.

The Director reported that he had appeared before the Board of Supervisor's Assistance to Business Committee on Tuesday to indicate the Department of City Planning's willingness to co-operate in their efforts to improve the business climate of San Francisco.

The Director reminded the Commission that the proposed Tree Ordinance will be considered by the Planning, Housing & Development Committee of the Board of Supervisors at 1:00 P.M. on Tuesday, July 6. If approved by the Committee, the matter will be considered by the full Board later in the afternoon.

The Director remarked that the Commission had acted on June 17, 1976, to adopt Resolution No. 7511 authorizing him to execute an agreement with John M. Sanger to render certain technical or professional services in connection with the Department's work for the Mayor's Select Committee on Yerba Buena Center for an amount not to exceed \$10,000. Subsequently, the Department of Housing and Urban Development had approved an amendment to its planning and management assistance grant to the City to enable funds to be used for the proposed project and had requested re-endorsement by the City Planning Commission. In addition, the staff wished to add \$5,000 to the amount of the contract for services of an economic nature. Therefore, he requested adoption of a draft resolution which had been prepared to modify Resolution No. 7511 and to authorize him to execute an agreement with John M. Sanger to render

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certain technical or professional services in connection with the Department's work for the Mayor's Select Committee on Yerba Buena Center for an amount not to exceed \$15,000.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7519.

Commissioner Starbuck congratulated the staff on the manner in which the two neighborhood meetings on the Residential Zoning Study had been handled.

ZM75.11 - THE PROPERTY TO THE WEST OF RICKARD STREET AND TO THE REAR OF THE PARCELS FROM 142 TO 198 GAVEN STREET, APPROXIMATELY 2½ ACRES OF VACANT LAND.
M-1 TO AN R-1 OR OTHER APPROPRIATE DISTRICT.
(Under Advisement from Meeting of May 6, 1976.)

Robert Feldman, Planner II, reported on the current status of the subject application, as follows:

"The subject property, a depressed vacant area to the rear of the one-family houses on Gaven Street and south of the Southern Freeway, was purchased in 1969 by the Housing Authority as the site for a corporation yard, since located elsewhere. The Housing Authority, which has a cash investment of \$155,000 in the property, has wanted to sell the property since 1974, when it had an estimated value of \$225,000. Early in 1975 a developer, who intended to construct several mini-warehouses on the property, made an offer and applied for a zoning reclassification to C-M (Heavy Commercial), the most restrictive district which would allow for mini-warehouse use. Strong neighborhood opposition was expressed at the hearing, the reclassification was disapproved, and the warehouse proposal was abandoned. At that time the Commission initiated a reclassification, still pending, to rezone from M-1 to R-1, P or other appropriate district.

"In hearings before the Commission in April and May of 1976, the Commission adopted a policy of discretionary review for any proposed building or use, but left unchanged the M-1 zoning. Neighborhood groups continued to support a zoning change to insure park use.

"At the request of the Department of City Planning, studies were made of freeway noise and lead pollution in the soil. The Department of Public Health, after several checks at different points, found no lead pollution in the soil. A check by the Department of Public Works found the noise on the site was of the same level (approximately 80 decibels) as shown on the Thoroughfare Noise Level map of the Transportation Noise section of the Noise element guidelines of 1974 indicate that property with

this noise level is satisfactory, with no special noise insulation, for wholesale, limited retail, industrial/manufacturing, transportation, communications and utilities use, while dwellings, schools, libraries, churches, hospitals, nursing homes, and parks and playgrounds should be generally discouraged, and only approved where sufficient sound insulation is provided.

"The residents of the neighborhood have repeatedly expressed at public hearings their strong desire to have the property zoned to exclude industrial development and to restrict the property to use as a park, playground or recreation area. Neighborhood children already use the site as a play area. The Montessori School at 300 Gaven Street has a private play area adjacent to the site beside the freeway. Some trash dumping has occurred.

"Portola Playground, four blocks south along Silliman Street, is the nearest public play area for the children of the neighborhood. Residents have argued that the heavy traffic and limited traffic signals along Silver Avenue prevent younger children of the area from getting to Portola Playground. The only traffic signal on Silver Avenue is at the corner of San Bruno Avenue. Other intersections in the neighborhood have stop signs. No solution to the transportation problem seems imminent.

"The Department of Real Estate regards this property as suitable for use as a corporation yard for storage of materials and equipment. However, there does not appear to be a current need for land in this area for such facilities among City departments.

"The Open Space/Park Renovation Citizens Advisory Committee will consider this matter at meetings during August and September, and may make a determination regarding acquisition priority at a meeting on October 2, 1976. A report of this determination and a recommendation for appropriate action will be made to the Planning Commission at the earliest appropriate date."

Robert Passmore, Planner V (Zoning), recommended that this matter be continued under advisement until the meeting of November 4, 1976, at 2:30 p.m.

Commissioner Bierman, noting that children can stand a lot of noise, expressed her hope that the noise conditions on the site would not prejudice the proposal to use the property as a playground. Mr. Feldman acknowledged that noise has not been a problem for the Montessori High School playground; however, if any building should be constructed on the subject site in the future, the Master Plan would recommend that the building have special features to ameliorate noise.

Commissioner Bierman then asked if the staff of the Department of City Planning intended to support residents of the neighborhood who want to have a play area developed on the site. Mr. Passmore replied in the affirmative.

Roy Swanson, an employee of the Montessori School, confirmed that noise has not been a problem for him in working with children on the school's playground. He emphasized that the subject property is located below the level of the freeway; and he remarked that a high decibel reading would probably result if one were to measure the sound level over the ocean.

Jack Beggs, representing the Communities of the Outer Mission Organization (COMO), remarked that while the subject property may have a high noise level from an environmental point of view, he felt that the noise level on the property is no higher than that which exists at other parks in the Portola District. He hoped that the property would be zoned for public use and that high priority would be given to acquiring the property for recreational purposes.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that this matter be continued under advisement until the meeting of November 4, 1976, at 2:30 p.m.

CU76.20 - NORTHEAST CORNER OF ELLIS AND FRANKLIN STREETS.

REQUEST FOR AUTHORIZATION FOR AN 8-STORY, 70-UNIT APARTMENT BUILDING FOR THE ELDERLY AND HANDICAPPED WITH 22 OFF-STREET PARKING SPACES AS A PLANNED UNIT DEVELOPMENT IN REDEVELOPMENT AGENCY PROJECT AREA A-2; IN AN R-4 DISTRICT AND A PROPOSED PR ZONING DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the staff had received a letter from Arthur Evans, Executive Director of the San Francisco Redevelopment Agency, requesting that the subject application be withdrawn. Therefore, he recommended that the Commission adopt a resolution granting the request for withdrawal without prejudice.

Commissioner Starbuck asked why the Redevelopment Agency had requested that the application be withdrawn. Mr. Passmore replied that it was his understanding that a decision had been made that the project would not be economically feasible.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the City Planning Commission Resolution No. 7520 be adopted proofing the request for withdrawal without prejudice.

CU76.21 - 799 PHELPS STREET, NORTHEAST CORNER OF INNES AVENUE.

REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING OPERATION WITH ACCESSORY COMMERCIAL OFFICES; IN AN M-1 DISTRICT.

Robert Feldman, Planner II, referred to land use and zoning maps to describe the subject property which has frontages of 50-feet on Third Street, 490-feet on Innes Avenue, and 100-feet on Phelps street for a total area of approximately

43,000 square feet. The property is zoned M-1 and is subject to a 65-J Height and Bulk District. The property is presently being used for the sale of used auto parts with some illegal storage of inoperable vehicles without conditional use authorization. The applicant had requested authorization to operate an automobile wrecking, repairing and recycling business on the western portion of the property with business offices along the Third Street frontage. Similar proposals had been reviewed and disapproved by the City Planning Commission in 1972 and in April, 1975, because the proposed use would not conform with guidelines which had been established by the Commission for review of conditional use applications for automobile wrecking yards. Those guidelines provided that automobile wrecking yards should be located at least 500 feet from residential areas; and the subject property is located only one hundred feet from the residential area directly across Third Street. Under the present proposal the auto operation would be staffed by ex-offenders supervised by Phoenix Corporation, a non-profit private agency which aids in rehabilitation. Mr. Feldman stated that the Department of City Planning had been involved in enforcement action against the operator of the business on the site since 1972; and he indicated that the City Attorney had filed an action against the property to abate violations of the City Planning Code.

Harold Brooks, representing the applicant, stated that the applicant has operated the business on the subject property for a number of years and had not been advised that he would have had a right to be compensated by the Redevelopment Agency for the effect which the India Basin Industrial Park project has had on his business. He remarked that jobs had been lost in the subject neighborhood with the closing of the Hunters Point Naval Shipyard; and he indicated that the neighborhood has the highest rate of unemployment in the City. Furthermore, the neighborhood has more than its share of people who have served time in penal institutions. He stated that the applicant intended to construct a new building on Third Street which would house offices; and he emphasized that the automobile recycling activities would take place on the Phelps Street side of the property. If the subject application were to be disapproved, the property would probably continue to remain vacant and would become an eyesore. Mr. Brooks stated that people in poorer areas of the city rely on parts from junked automobiles to fix their own automobiles; and, as a result, there is a need for the proposed business. In addition, the proposed operation would provide up to 30 jobs which would be used to train people who have served time in penal institutions. He believed that the applicant had respected all of the guidelines which had been established by the Commission; and he felt that the proposed operation would help to rejuvenate the subject neighborhood. If jobs continue to be unavailable in the neighborhood, he felt that an increase in crime would result.

Commissioner Rosenblatt asked if the proposed offices on the Third Street frontage of the site would be directly related to the automobile wrecking activity. Mr. Brooks replied that only one of the offices would be used by the applicant.

Commissioner Rosenblatt then asked if the 30 jobs which had been mentioned by Mr. Brooks included the jobs which would be available in the offices. Mr. Brooks replied in the negative.

President Lau asked Mr. Brooks if the applicant had met with residents of the neighborhood who were opposed to the project. Mr. Brooks replied in the negative but indicated that a list had been prepared of individuals who were supportive of the proposal.

Commissioner Starbuck, noting that the subject site contains more than 40 thousand square feet of land, remarked that a business providing only 30 jobs would not constitute a very labor-intensive use of the site; and he asked Mr. Brooks if he felt that the proposed use would satisfy the job needs of the area. Mr. Brooks replied that the proposed business would obviously not solve the job needs of the neighborhood; but it would do a better job of providing employment than the warehouses in the India Basin Industrial Park. Furthermore, since the jobs would be used for training, there would be a turn-over factor. He also remarked that the new sewage treatment plant to be constructed in the area will not provide a significant number of jobs.

Commissioner Starbuck stated that he felt that it would be desirable if the subject property could be used for a more labor-intensive operation.

Mr. Passmore asked Mr. Brooks to explain his comment regarding failure of the city to notify the applicant of his right to receive compensation from the Redevelopment Agency. Mr. Brooks replied that it was his understanding that any business affected by a redevelopment project, even if it is not located in the project area, is entitled to reimbursement for any detrimental effect which the project may have on it; and the applicant had suffered a substantial loss because no one at the Redevelopment Agency had advised him of his rights.

Archie Briggs, attorney for the applicant, stated that he had been involved in a trial for most of the last month; and, as a result, he was not as well acquainted with the issue before the Commission as he wished to be. Therefore, he requested the Commission to take the matter under advisement for 60 days.

Commissioner Starbuck asked Mr. Briggs if he had advised any of the neighborhood groups in the area that he intended to request a continuance. Mr. Briggs replied in the negative, indicating that he had not been aware that he had any obligation to advise community groups of his intention. He stated that he had spoken with a minister in the area who intended to work with the applicant and with neighborhood groups.

Lennie Gaines, Coordinator of the McKinnon Avenue Residential Community Club, stated that her organization was opposed to the subject application; and she felt that automobile wrecking activities on the subject site are clearly incompatible with the zoning of the property. She remarked that the applicant's proposal did not seem to be substantially different from the proposal which had been made one year ago; and she remarked that the zoning of the property has not been changed during the interim. She saw no reason for the Commission to take the matter under advisement; however, if a continuance were to be granted, she felt that the matter should be brought back before the Commission in 30 days.

President Lau explained that the Commission normally grants continuances when requested to do so by an applicant.

It was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the subject application be taken under advisement until the meeting of September 2, 1976, at 2:30 p.m. Commissioner Bierman stated that she had been prepared to vote against the application during the current meeting. She remarked that members of the Commission had taken a field trip to the site; and she felt that it has a very unattractive appearance. Furthermore, the existing business has been operated in violation of the City Planning Code and has been cited by the City Attorney. However, she felt that the job training which the applicant proposed to provide would be an important rehabilitation program; and she trusted the judgment of individuals who had represented the applicant. Therefore, she had moved that the request for continuance be granted.

President Lau requested the applicant and his representatives to meet with concerned neighborhood groups to discuss the proposal during the interim.

When the question was called, the Commission voted unanimously to take the matter under advisement until the meeting of September 2, 1976, at 2:30 p.m.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTION 306.3 OF THE CITY PLANNING CODE.

Robert Passmore, Planner V (Zoning), reported on this matter as follows:

"Existing Code Provisions

"Section 306.3(b)2 of the Planning provides as follows, with respect to notice of public hearings on zoning reclassification effecting very large areas:

In the case of amendments to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies either are city-wide in scope or cover a major sub-area of the city as determined by the City Planning Commission, and where the total area of land so proposed for reclassification, excluding the area of public streets and alleys, is thirty (30) acres or more, the notice given shall be described in (a) above, except that:

- "(A) The newspaper notice shall be published as an advertisement in all editions of such newspaper, and need contain only the time and place of the hearing and a description of the general notice of the proposed amendment together with a map of the area proposed for reclassification.
- "(B) The notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification.

"Notice of Hearing" Amendment"a. Analysis of the Problem

"The notice of public hearings required by the above section of the Planning Code for the reclassification of all residential areas of the City initiated by the City Planning Commission on May 20, 1976 as part of the Residential Zoning Study has been initially set at a cost of \$21,460- consisting of \$3400 for newspaper advertisements, \$1800 for printing of postal cards, \$1600 for data processing to obtain property owner's names and addresses, and \$16,000 for postage on the approximately 160,000 notices required. Money to cover this cost was included in the Department's 1976-1977 Budget Request; however, only \$3400 for newspaper advertised and \$1800 for printing of the post cards were left in the budget after review by the Mayor's Office. As the Department does not have the necessary notice funds the legally required public hearing for the Residential Zoning Study cannot be scheduled.

"The Board of Supervisors by letter dated May 12, 1976 noted the potentially high cost which would be involved in City-wide mailing in the event of City-wide or near City-wide rezoning actions, and suggested that the Department of City Planning should give consideration to developing a proposed amendment to Section 306.3 of the City Planning to provide for alternative and less expensive forms of public notice when large numbers of property owners may be affected by City Planning Commission actions.

"The giving of notice of public hearings is a constitutional requirement. Determination of the precise method of providing such notice, however, involves a balance between the desire to provide the best possible degree of notice and the practicalities of the particular situation.

"In this connection, the City Attorney stated in 1960 that individual notice to property owners was not required for the mapping of new districts under the 1960 Planning Code. The courts have since arrived at similar conclusions in judicial decisions.

"In 1967 the above Section of the Code was adopted in response to Department of City Planning concern that mailed notice to affected property owners of proposed rezoning of the downtown area of San Francisco resulting from the Downtown Zoning Study could not be accomplished under former Code requirements that mailed notice include a precise description of all property to be reclassified, including addresses, meets and bounds notations, and all Assessor's Block and lot numbers. In a complex reclassification proposal involving a large number of districts and/or a large number of parcels a requirement for such mailing was virtually physically and economically impossible for the Department of City Planning to accomplish. The resulting Section 306.3(b)2 of the Planning Code allowed the Department to use the electronic data processing capability of the City that had become available at that time. Prior to the development of this capability the Planning Com-

mission had recommended to the Board of Supervisors that the requirement for individual mailed notice to property owners be deleted in the case of large-scale reclassifications and that such notice be replaced by 1) notice of hearing published as an advertisement in a newspaper of general circulation, in all editions of said newspaper, at least twice, the first publication not less than twenty (20) days prior to the date of hearing and the second publication not less than fifteen (15) days prior to said date; said notice shall describe the general nature of the proposed amendment as well as set forth the text thereof; and 2) notice given by posting on utility poles in the public right-of-way within the area proposed for reclassification and within three hundred (300) feet of all exterior boundaries thereof, with one such notice to be posted at each street intersection and one along each side of each block frontage between intersections to the extent the location of poles permits, not less than fifteen (15) days prior to the date of hearing. Although this proposal was not acceptable to the Board of Supervisors in 1966 because they believed it provided inadequate notice and the elimination of mailed notice because unnecessary when it was found that data processing could solve the physical problem of large mailings, this Code change could reduce the total notice costs to approximately \$6800 for newspaper advertising and \$600 for posters (not including cost of staff or private service contract for placing posters involving one or two persons for approximately one month).

"Instead of posting posters in public places, posters or other forms of notice could be distributed by staff or private persons to each building in the City. A cost estimate for this type of notice has not been established. . Notice of public hearings could be included in other City-wide mailings by various departments of the City such as the Assessor's Office and the Water Department. Such mailings would not satisfy the present Planning Code requirements for mailed notice to property owners, but could satisfy the Code if amended to delete the mailed notice requirement and require instead that the Zoning Administrator 'provide appropriate notice by distribution by public or private means'.

"A change to Section 306.3(a) of the present Planning Code which states that notice shall be given by the Zoning Administrator to language which states the Zoning Administrator shall give or cause to be given notice might allow use of cheaper mailing services or other private distribution of notice not available to the City or legally acceptable under the current language.

"Possible Amendment

"Section 306.3 (a) Except as indicated in (b) below, the Zoning Administrator shall give or cause to be given notice of the time, place and purpose of the hearing of an action for an amendment, conditional use or variance.

Section 306.3(b) In the case of amendments to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies either are city-wide in scope or cover a major sub-area of the city as determined by the City Planning Commission, and where the total area of land proposed for reclassification, excluding the area of public streets and alleys, is thirty (30) acres or more, the notice given shall be as described in (a) above, except that:

"(A) The newspaper notice shall be published as an advertisement in all editions of such newspaper, and need contain only the time and place of the hearing and a description of the general nature of the proposed amendment together with a map of the area proposed for reclassification.

"(B) No notice by mail need be given, but if such notice is given, it need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification.

"(C) If mailed notice is not given notice shall be given, by posting notice of such hearing at appropriate locations not less than 20 days prior to hearing, or by providing other appropriate notice by distribution by private or public means.

"The above amendments would seem to provide sufficient notice to meet constitutional requirements, but would not provide notice to all property owners. Although not required, the posting of posters is done by the Department as a matter of course for all zoning reclassifications currently, but such posting is not as extensive as that which would occur under the above proposals."

Commissioner Starbuck stated that he had discovered that street sweepers remove all notices from utility poles and do not distinguish between legal notices and other types of notices.

Mr. Passmore stated that it might be possible to correct that problem; however, small children tend to remove the notices even faster than the street sweepers. He observed that posting notices on utility poles is not an effective form of public notice.

Commissioner Rosenblatt inquired about the cost of a full page advertisement. Commissioner Starbuck replied that full page advertisements in the Chronicle or Examiner cost more than \$8,000.

Michael McGill, Associate Director of the San Francisco Planning and Urban Renewal Association (SPUR), stated that his organization would be opposed to any change in the City Planning Code which would mean that all property owners to be affected by a proposed reclassification would not receive notice. Although he recognized that the Residential Zoning Study had been widely discussed and that a newspaper ad would be seen by many people, he remarked that many people do not read the newspapers; and, as a result, they might not know of the zoning changes being proposed. Particularly in times when people tend to be highly suspicious of

government, he believed that the City should not reduce its notice requirements. He stated that he had discussed the matter with Roger Hurlbert of his organizations' Richmond District office; and Mr. Hurlbert is investigating the feasibility of offering the use of SPUR's non-profit bulk rate mailing permit in conjunction with a computer listing of all property owners in San Francisco. If those services were utilized, it was estimated that notices could be sent to all owners of property affected by the Residential Zoning Study for less than \$3,000 as compared to the \$16,000 cost which had been anticipated by the staff of the Department of City Planning.

Commissioner Bierman asked if the law would allow the Department of City Planning to use SPUR's non-profit bulk rate mailing permit. Mr. Passmore replied in the negative, indicating that notices would have to be mailed by SPUR as a courtesy to the Department.

Molly Sprouse, representing the League of Women Voters of San Francisco, made the following statement:

"The League of Women Voters of San Francisco believes in the citizens' right to be informed and to participate in government decisions.

"There is probably no aspect of local government that affects the individual citizen more closely than the zoning decisions of the City Planning Department for any given neighborhood.

"We feel that the public can only be effectively informed by a combinations means including notices mailed to individual property owners.

"Perhaps a plan like the SPUR proposal could be made.

"On the subject of newspaper notices, while we have the floor, we would like to point out the difficulties of finding and reading the 'official notices' as they appear in the newspaper."

Arden Danekas, President of the Planning Association for the Richmond, acknowledged that the SPUR proposal might save money; but he felt that it was preferable that notices should be mailed directly from the Department of City Planning to property owners whose property may be affected by a proposed reclassification. Posting notices on utility poles is not an effective means of notice, particularly in view of the fact that such notice would not reach absentee owners; and hand delivered notices tend to be ignored. Under the circumstances, he felt that the Commission should continue to mail notices directly to affected property owners as in the past.

Commissioner Bierman remarked that members of the Commission were of the opinion that mailed notices should be sent to individual property owners, however, money for mailing of notices to property owners affected by the Residential Zoning Study had been deleted from the Department's budget.

Mr. Passmore stated that the Commission's recommendation on this matter would be advisory to the Board of Supervisors which has a legal right to act however it sees fit on the proposal. He stated that it was his opinion that mailed notice to individual affected property owners, as presently required by the City Planning Code, is vital in alerting the public to proposed zoning changes which could affect environmental, economic and social aspects of the entire city; and he believed that the lack of such notice could result in insufficient testimony and the enactment of inappropriate zoning changes. Therefore, he recommended that the Commission disapprove any amendment of the City Planning Code which would result in the deletion of the requirement for notice by mail.

After further discussion, it was moved by Commissioner Mellon and seconded by Commissioner Bierman that the proposal to amend the City Planning Code to delete the requirement for notice by mail be disapproved.

Commissioner Starbuck stated that he felt that it would be unwise for the City to make a drastic change in the way in which notice is given to property owners at a time when the City Planning Commission is involved in a massive rezoning of residential property; and, if such a change were to be made in the method of notification, he believed that there would be enough property owners with serious concerns about the proposed changes to bring about individual law suits or class actions against the city.

Mr. Passmore stated that he felt that the city would eventually win law suits of that nature; however, the cost of defense might exceed the cost of postage for a city-wide mailing of notices.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7521 with the following resolve: "Therefore be it resolved, that the City Planning Commission disapproves any amendment of Section 306.3(b) of the City Planning Code that would result in the deletion of the requirement for notice by mail, and directs the Department of City Planning to report said action and the reasons therefore to the Board of Supervisors."

At 4:15 p.m. President Lau announced a five-minute recess. The Commission reconvened at 4:20 p.m. and preceeded with hearing of the remainder of the agenda.

DR76.14 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 455555 FOR SIDEWALK CAFE, OFFICE AND RESIDENTIAL RENOVATION AT 4136 - 24TH STREET.
(Postponed from Meeting of June 24, 1976.)

Ralph Gigliello, Planner II, stated that the subject property is an irregular lot with a width of 40 feet and a maximum depth of 128 feet for a total area of 4,980 square feet. The property is occupied by a 4-unit apartment building which has been condemned. The applicant proposed to renovate the existing building, resulting in four revised residential units, four small offices and a cafe with an outdoor dining deck. The proposed project would conform to applicable restrictions of the City Planning Code. A negative declaration had been issued on May 14,

1976. The discretionary review had been requested by Fred Methner of the East and West of Castro Street Improvement Club; and concern had been expressed about the proposed project by the Friends of Noe Valley.

Mr. Methner, who was present in the audience, read the following statement:

"I read in the June issue of San Francisco Magazine about the renaissance of the Haight-Ashbury area, what we commonly call the Hashbury. The article mentioned one of your Commission members several time, Ms. Bierman, who is very familiar with the district.

"Allow me to read just one paragraph because it is in support of my position here today:

'There is no plan for commercializing Haight Street. Most merchants say they want to see shops expand in relation to what the community needs. 'We are a unique and diverse Community. We'll never be like Clement Street or Union Street. The kinds of people here are different.'

"Now you see, they don't want a Clement Street or a Union Street, either. Which is exactly what we don't want in the Noe Valley, a quiet residential neighborhood. We want to retain that residential flavor. We have prevented porno shops, massage parlors, hock shops, live entertainment in our restaurants or bars. We have a Youth Litter Patrol, and an Adult Litter Team. Our liaison with the Mission Street is an excellent one; the same with our Health and Street Cleaning departments.

"4136 24th Street is in the middle of the block between Castro and Diamond. The block, though zoned commercial, contains more residences than business houses. These residences are for the most part older buildings with a scarcity of garages. Parking on that block is at a premium.

"Only the other day a resident, in desperation, went around with a petition for a 2-hour parking zone in that block. However, the neighbors did not go for that because they feared of losing their little parking spot in front of their own residence.

"Not so long ago the members of the Appeals Board ruled against McDonald's to establish a place in the avenues, for the very same reason - parking. 4136 presently has four residences with only one garage space. The proposal is to keep these four residences and add four offices, and on top of that a sidewalk Cafe. Will the owner allow for eight garage spaces? Of course not! and the office personnel will park wherever they find a spot on that block.

"But what about the customers of the sidewalk cafe? At least McDonald's have parking lots. The sidewalk cafe will have no such thing. City Planning has just come out with the city plan to retain the residential fla-

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vor in all districts. It is hard to believe how they can say one thing, and then do just the opposite by granting this permit for 4136 24th Street. We, who object, are good people. We want the best for our area - and that's why we are ever vigilant. We have to be."

William Burke, the applicant, stated that he had purchased subject property one year ago with the understanding that it was zoned for commercial use; and it had never occurred to him that anyone would object to a sidewalk cafe. Mr. Methner had originally expressed his opposition to the proposed project in terms of dogs, morals and hippies; but the presentation which he had made to the Commission had offered substantially different arguments. He advised the Commission that permits had recently been issued for a restaurant and three book stores in the subject block; and no one had objected to those permits being issued. He did not feel that the proposed sidewalk cafe would cause more parking or traffic problems than other types of commercial use of the property. He remarked that all of the properties on the opposite side of the street in the subject block had been converted to commercial use; and he advised the Commission that only 30% of the floor area in the subject building would be converted for commercial use. The building, which is presently under condemnation, will be substantially upgraded; and he hoped that the application would be approved. He stated that he had obtained 155 signatures of people who live in the area in support of the proposed project.

In reply to a series of questions raised by Commissioner Starbuck, Mr. Burke stated that the inside of the proposed restaurant would have five tables. The exact number of tables to be located in the outside area had not yet been determined; but he doubted that more than 5 or 6 tables could be accommodated. One of the proposed offices would be designed for 2 people; and the 3 remaining offices would accommodate only one person each. Patronage at the outside portion of the cafe would probably depend on the weather; and he expected that that area would be used primarily during the afternoon hours. He indicated that the restaurant would occupy less than 12% of the total area of the building; and it would have to be operated in such a way that other tenants of the building would not be disturbed. He stated that there is a great deal of foot traffic on 24th Street; and he doubted that the proposed restaurant would generate a great deal of automobile traffic.

Margarita Ortiz, 4029-A 24th Street, read the following statement:

"I represent a group of 24th Street residents who are concerned about the recent escalation of commercial development and its effects on our neighborhood..

"In the last year, we have watched our street change from a relatively quiet, harmonious balance of residences and small shops to a business district in which commercial interests threaten to take priority over the interests of long-term neighborhood residents.

"Many of us who live on 24th Street are lower-income, many are older people who have lived in the area for decades and have established close ties with neighbors and the service-oriented merchants on the street. Commercial expansion has now escalated to the point that business uses are overflowing into residential units thereby forcing out many of the older tenants and putting an increased strain on the already limited stock of available housing.

"The block on which Mr. Burke proposed to build his cafe, the 4100 block, although zoned commercial, is still primarily a residential street with a ratio of 7 housing units to every business. Commercial uses on the block, with one exception, are small and service oriented. None serve any type of liquor. Mr. Burke's building has been residential and adjacent buildings for 100 feet on either side are also 100% residential.

"Our primary concern is with the potential effects of the sidewalk cafe which Mr. Burke proposes to build here. We are opposed to this development for a number of reasons. First, the parking problem on this block is severe at the present time and overflow onto adjacent side-streets causes problems for the surrounding neighborhood. The cafe threatens to seriously aggravate the existing problem by drawing more people from outside the neighborhood particularly in evening hours when parking for residents is at a premium. Second, we are concerned about noise and disturbances to neighbors, particularly late at night. Third, we are concerned about the proposed commercial development because a full floor of residential space will be lost with the conversion. Although Mr. Burke's conversion will provide the same number of dwelling units, they will be smaller and unsuitable for family's with children. As the vacancy rate for family housing is now 0.2% in Noe Valley, we are strongly opposed to any further depletion of the limited available stock in our area.

"Finally, we are concerned about the potential 'domino' effects this development may have on the rest of the block. At the present time, this block of 24th Street is a good transition zone, a buffer between the more heavily trafficked commercial district farther east on 24th Street, and the exclusively residential blocks to the west. A cafe in the middle of a completely residential section of this block, drawing a great deal of auto and pedestrian traffic from 24th Street shopping district will not only greatly increase the pressure on the remainder of the block to convert from residential to commercial use but will also have serious adverse effects on the quality of life for remaining residents."

Paul Garvey, 572 Eureka Street, stated that he operates a business on 24th Street; and he indicated his support for the proposed project. He remarked that 24th Street has changed from a nondescript area to a very functional shopping street serving needs of the surrounding community during the past ten years; and he felt that the proposed project would be an asset for the area.

Chris Priestly represented the Noe Valley Merchants Association. He stated that his association is sanctioned by the San Francisco District Council of Merchants while the other organization of merchants on the street is not; and he advised the Commission that his organization was in support of the opposed project.

Ronald Rice, a resident of the subject neighborhood, indicated that he would be a potential user of the proposed cafe; and he felt that it would be very pleasurable. Since his car is already garaged in the area, he would bring no additional traffic or parking congestion to the neighborhood if he were to use the cafe; and, if possible, he would leave his car at home and walk to the cafe.

Dr. Walter Craft stated that he is a resident of 22nd Street and that he does his shopping on 24th Street. He felt that the proposed sidewalk cafe would be an asset to the neighborhood; and he indicated his support of the proposed project.

Rai Y. Okamoto, Director of Planning, recommended that the request for discretionary review be denied.

Commissioner Bierman stated that she would support the Director's recommendation and vote for denial of the request. She believed that the proposed use would not be as bad as its opponents imagined; and she observed that the existing building would probably be torn down and replaced with a less attractive building if the proposed project were to be disapproved.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Rosenblatt, and carried unanimously that the request for discretionary review of the subject building permit application be denied.

At this point in the proceedings, Commissioner Mellon absented himself from the meeting room for the remainder of the meeting.

CA76.5 - PUBLIC HEARING ON A CERTIFICATE OF APPROPRIATENESS FOR A PROPOSED THREE-STORY PARKING STRUCTURE TO BE ERECTED AT 1 LOMBARD STREET, SOUTHEAST CORNER OF SANSOME STREET, SAID PROPERTY BEING LOCATED IN A PROPOSED HISTORIC DISTRICT.

Janis Birkeland, City Planning Coordinator, stated that the applicant proposed to restore and rehabilitate the Merchants Ice and Cold Storage Building and an adjacent industrial-type building and to construct a three-story parking garage. The parking garage would provide off-street parking required in conjunction with the restoration and rehabilitation of the other two buildings which are being converted to commercial uses. The project site is located within the proposed Northern Waterfront Historic District which was initiated on March 3, 1976 by the Landmarks Preservation Advisory Board. The intent of such designation is to preserve structures of architectural and/or historic interest, particularly such as the Merchants Ice and Cold Storage Building; and the facade of the proposed garage building had been sensitively designed to compliment that building and to

reflect the general character of the proposed historic district. Ms. Birkeland stated that the staff of the Department of City Planning had provided detailed development guidelines to the applicant; and she indicated that copies of those guidelines were available for review by members of the Commission.

No one was present in the audience to speak on this matter.

Rai Y. Okamoto, Director of Planning, recommended that the application for a Certificate of Appropriateness be approved subject to final review by the Landmarks Preservation Advisory Board and the Planning Department staff of matters such as landscaping of the entire project, roof top treatment of the garage, all signing, and final treatment of the facades of the industrial type building which is to be determined when tenants needs are known. He then distributed a draft resolution which had been prepared to that effect and recommended that it be adopted.

Commissioner Starbuck asked if problems relating to the skylight in the proposed garage building had been resolved. Ms. Birkeland replied in the negative but indicated that the language of the draft resolution would provide that that aspect of the final plans would have to be approved by the Landmarks Preservation Advisory Board and the staff of the Department of City Planning.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7522 and that the application for a Certificate of Appropriateness be approved subject to the conditions which had been recommended by the Director of Planning.

CA76.7 - PUBLIC HEARING ON A CERTIFICATE OF APPROPRIATENESS FOR A PROPOSED REHABILITATION AND CONVERSION OF THE HOUSE OF THE FLAT, 1654 TAYLOR STREET, SOUTHEAST CORNER OF VALLEJO STREET, TO EIGHT APARTMENTS IN CONJUNCTION WITH THE ERECTION OF A NEW APARTMENT BUILDING OF 64 UNITS.

Janis Birkeland, City Planning Coordinator, stated that the Landmarks Preservation Advisory Board had reviewed the subject application and had recommended that a Certificate of Appropriateness be issued for rehabilitation and remodeling of the House of the Flag, a designated landmark of the City and County of San Francisco, by removing a back porch and room addition, both later additions to the original structure, and converting the interior to accommodate eight apartment units.

Commissioner Rosenblatt inquired about the status of the 64 unit apartment building. Ms. Birkeland replied that the permit application for that building is in the process of design review in the Department of City Planning. She indicated that the application had already received a negative declaration.

David Langum asked if he were correct in his understanding that the Commission was reviewing only exterior alterations to the building and not approving or disapproving any interior alterations. Edward Michael, Secretary to the Landmarks Preservation Advisory Board, replied in the affirmative.

Rai Y. Okamoto, Director of Planning, recommended that the application for a Certificate of Appropriateness to permit the proposed work be approved.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that Resolution No. 7523 be adopted and that the application for the Certificate of Appropriateness be approved.

DR76.13 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 453162 FOR NINE-UNIT APARTMENT BUILDING AT CASTRO AND 28TH STREETS.

Ralph Gigliello, Planner II, stated that the subject property is an L-shaped parcel comprised of three 25-foot wide lots side-by-side with depths of 114, 141 and 141 feet for a total area of 9,900 square feet. A small cottage in poor repair on the northernmost lot will be demolished; and the remainder of the site is vacant. The southern half of the project site slopes steeply up from 28th Street. The applicant proposed to construct a nine-unit apartment building consisting of eight one-bedroom and one three-bedroom apartments with one off-street parking space for each unit on the level portion of the site with sole access from the Castro Street cul-de-sac. Because of the steep slopes in the area, several street rights-of-way are not improved for vehicular access. As a result, traffic associated with the proposed project would be channeled through Castro and Duncan Streets to the north and west. Request for discretionary review of the building permit application had been made by three neighbors acting as individuals, the friends of Noe Valley, and an ad hoc neighborhood group known as the Duncan Street Action Committee. Petitions had been received in opposition to and in support of the proposal. Mr. Gigliello stated that twelve units would have been permitted on the subject site given the present R-3 zoning of the property; however, in order to comply with set-back, yard and parking requirements, the applicant had reduced the number of units to nine. On May 20, 1976, the Commission, as part of the city-wide Residential Zoning Study, had indicated its intention to reclassify the property to RH-1; and, under that zoning designation, three dwelling units would be allowed on the site.

Rai Y. Okamoto, Director of Planning, recommended that the request for discretionary review of the subject building permit application be granted.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the request for discretionary review of the subject building permit application be granted.

DR76.13 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 453162
FOR A NINE-UNIT APARTMENT BUILDING AT THE NORTHWEST CORNER OF
CASTRO AND 28th STREETS.

President Lau noted that the proposed project had been described by the staff when the Commission was considering the request to conduct a discretionary review of the building permit application.

Barbara Francisco, 526 Duncan Street and the owner of ten lots in the subject neighborhood, stated that she had distributed questionnaires to 425 residents of the neighborhood; and she distributed maps to indicate the nature of the responses which she had received on a lot-by-lot basis. She also submitted a petition which had been signed by a number of property owners requesting that the number of units in the proposed building be severely reduced. When new zoning was being considered in 1960, residents of the subject neighborhood had wanted the subject properties rezoned. However, there was a great deal of pressure for development at that time; and the Commission wanted to give the economy a "shot in the arm". Therefore, the properties were zoned for apartment house construction. Even then, no one anticipated that large apartment buildings would be constructed on such steep property. She emphasized that streets in the subject neighborhood are quiet steep; and several of them terminate in dead-ends. Fire Department vehicles already have difficulty getting into the area; and development of apartment buildings on vacant properties in the area could further congest the neighborhood with traffic and parking problems.

Commissioner Starbuck asked if any of the individuals responding to Ms. Francisco's questionnaire had specified what number of units they felt that would be desirable on the subject property. Ms. Francisco replied in the negative.

Roy Singley, representing the Duncan Street Action Committee, distributed a series of photographs which he had taken to depict parking and traffic congestion problems in the neighborhood. He stated that a 32-unit apartment building had been constructed in the area with its own access from Castro Street via Duncan Street. While that building has 33 off-street parking spaces, some of the tenants of the building prefer to park on the street. The building has vacancies; and, as a result, he could not accept the argument that more units are needed in the area. He also remarked that the 32-unit building has brought transients to the neighborhood; and they have had a detrimental effect on the quality of the area. He thought that the density of Castro Street is extremely high at the present time; and he urged that all of the property in the area be returned to R-1 zoning.

Joseph Peschilli, 2024 Castro Street, stated that he lives directly across the street from the existing apartment building; and, although he is a sound sleeper, he does not get much sleep at night because of the traffic generated by the building. He stated that the proposed building would be located only six feet away from his property; and he felt that it would make conditions in the subject neighborhood intolerable.

Mrs. Dale Milfay, 553 Duncan Street, stated that she had witnessed the subject neighborhood change from a family residential area to a transient neighborhood in the last two years; and she stated that she would rather put up with kids on bicycles than people in cars. She advised the Commission that some of the streets the area have no sidewalks, making it necessary for people to walk in the streets; and the construction of more apartment buildings would make it more dangerous to walk in the streets because of the additional traffic which would be generated.

Frank Yanni, one of the applicants, stated that his firm is a new one and that the proposed project is only the second project which he and his associates had undertaken. He advised the Commission that he had obtained 158 signatures on a petition supporting the proposed project. However, if the immediate neighbors wished to have no development on the site, he would be willing to sell the property to them for a figure in the neighborhood of \$65,000. He remarked that jobs and dwelling units are needed; and he emphasized that the subject property is zoned R-3 and has been so zoned since 1960. He and his partners had purchased the property in good faith and in reliance of the R-3 zoning; and he indicated that they would not purchase a property if they had been able to foresee the problems which would arise. The property was purchased in August, 1975, and the first set of plans for the proposed project was submitted to the Department of City Planning two months later. In the interim, four sets of plans had been developed and submitted in an attempt to satisfy the staff of the Department of City Planning. The project had been the subject of an environmental evaluation and had received a negative declaration; and he believed that the issuance of a negative declaration was testimony to the fact that the project would not have a detrimental effect in the environment. Residents of the neighborhood had objected to the project because it would bring additional automobiles to the neighborhood; and he pointed out that everyone owns an automobile and participates in the creation of traffic and parking congestion. He remarked that everyone has a right to a decent place to live; and he felt that opponents of the proposed project were short-sighted insofar as they were concerned only about their own life style. Finally, he stated that members of the staff of the Department of City Planning had held meetings with residents of the neighborhood who were opposing the project; and, as a result, he questioned whether it would be appropriate for the staff to make a recommendation concerning the subject application.

Commissioner Starbuck asked Mr. Yanni to describe the changes which he had made in his plans since the original submission. Mr. Yanni replied that the number of units in the proposed building had been reduced from 12 to 9. The building would have a ground coverage of only 35% whereas a coverage of 65% would be permitted by the City Planning Code.

Samuel Schneider, designer for the applicants, stated that 16 units would be permitted on the site under the R-3 provisions of the City Planning Code. However, the original plans which had been submitted for the proposed project had involved only 12 units; and the number of units had since been reduced to 9 units. The coverage of the building on the site had been also reduced because of the terrain. The staff of the Department of City Planning had also raised a question

regarding the possibility of providing parking access to the site from 28th Street but a retaining wall with a height in excess of 26 feet would be required if such access were to be provided. He emphasized that the subject property had been zoned R-3 since 1960; and he remarked that no effort had been made by residents of the neighborhood to "down-zone" the property in the intervening years. Yet, once the property had been sold for development, residents of the neighborhood had taken the position that single-family houses should be constructed on the property

Commissioner Rosenblatt asked if the applicants had ever given consideration to the possibility of stepping the building down the hillside. Mr. Schneider replied that the site has a very steep slope; and the expense of grading and foundation work which would be required to step the building down the slope could not be justified for a nine unit building.

Bob Padilla, a realtor, stated that he had been involved in the sale of the subject property to the applicants. He remarked that residents of the neighborhood had had ample time to acquire the property and to keep it as an open area; and, since they had not chosen to buy the property themselves, he did not understand how they could oppose development in conformity with the existing zoning of the site. While he thought that residents of the neighborhood were understandably concerned about parking problems, he pointed out that everyone shares responsibility for parking problems; and he noted that the proposed building would meet the off-street parking requirements of the City Planning Code. He noted that additional housing units are needed in the city; and he hoped that the Commission would approve the subject application.

Evelyn Morton, 625 Duncan Street, stated that she and her husband had paid more for their house than any suburban house which they previously owned; and taxes on the property have since doubled. At the same time, living conditions in the neighborhood have deteriorated because of the construction of new apartment buildings; and she felt that construction of the proposed building, which would bring additional transients to the area, would ruin the neighborhood as a single-family area.

Rai Y. Okamoto, Director of Planning, stated that it is the responsibility of the staff of the Department of City Planning and the City Planning Commission to concern themselves with the general public interest. He indicated that he had spent most of his career in the private sector; and one of the primary things he had learned was that anyone wishing to sell a product should not proceed in a minimum way to assume what might be acceptable, particularly when dealing with something as fragile as the environment. He remarked that developers have a responsibility to look into the Market and to determine whether there is a receptive climate for the building which they proposed to construct; and that process involves meeting with neighboring property owners to become familiar with their concerns. It was apparent that the applicants in the present instance had not followed that course of action. Given the applicant's desire to construct an apartment building on the subject site, the design of the building had necessarily been dictated by site constraints; and he did not feel that any amount of design work would result in a nine unit building which would reflect the scale and quality of the subject neighborhood.

Mr. Yanni stated that he regarded the Director's comments to be highly prejudicial and quite inaccurate; and he indicated that he did not agree with his point of view.

The Director recommended the adoption of a draft resolution which read, in part, as follows:

"WHEREAS, On July 1, 1976, the City Planning Commission considered under its power of discretionary review, the compatibility of the proposed project with the surrounding neighborhood and received testimony from the applicant and a petition in support of the project and testimony from neighbors and a petition opposed to the project; and

"WHEREAS, Under applicable R-3 zoning restrictions, twelve units would be permitted on the site; and

"WHEREAS, The site is in an area proposed for reclassification to a more restrictive RH-1 zoning district which would allow three single-family houses on the site; and

"WHEREAS, Several street rights-of-way in the area are not improved for vehicular access because of the steep slopes, resulting in difficult access to the neighborhood; and

"WHEREAS, Parking in the neighborhood is congested; and

"WHEREAS, Traffic associated with the proposed project would be channeled through Castro and Duncan Streets to the north and west, rather than dispersing in a more normal pattern along area streets; and

"WHEREAS, The proposed project would contribute further to existing parking congestion; and

"WHEREAS, The proposed citing at the top of a slope would result in a substantially bulky appearance from 28th Street, which bulk might not adequately be mitigated by the proposed terraced landscaping of the southern slope;

"THEREFORE BE IT RESOLVED, That the City Planning Commission find that the construction of a 9-unit apartment building as proposed for Lots 49-51 in Assessor's Block 6604 would be incompatible with existing development in the neighborhood and would have a deleterious effect on the livability and enjoyment of existing dwellings in that area, and hereby DISAPPROVE Building Permit Application No. 453162."

Commissioner Starbuck moved that the draft resolution be adopted. He noted that the Commission had taken a field trip to the subject site; and he remarked that there is a great deal of difference between viewing a neighborhood first-hand and considering it in the abstract. Visiting the site had convinced him that the subject property is an extremely sensitive lot. He stated that he would be

reluctant to approve a building of the size and design of the one proposed because he believed that such a building would have a detrimental effect on the livability of the neighborhood in the long run. While he acknowledged that housing is needed in the city, he believed that construction of the proposed building would generate more problems than it would solve.

The motion was seconded by Commissioner Bierman. She then asked about the rental rates in the proposed building. Mr. Yanni replied that rental rates would depend on the cost of construction; but he estimated that the one-bedroom apartments would rent for approximately \$250 a month.

Commissioner Bierman then remarked that traffic movement is very difficult in the subject neighborhood. She felt that the existing 32-unit apartment building in the area is completely out of scale with the neighborhood and that has a tasteless design; and she indicated that she would never have voted for such a building. In her opinion, a building of the size proposed for the subject lot would be appropriate only if it were located on the 28th Street frontage of the lot; and, if any building were to be constructed on the Castro Street frontage of the lot, she felt that it should have fewer units. When Mr. Yanni asked how she could justify her position in view of the R-3 zoning of the property, Commissioner Bierman replied that she felt that the previous Commission had made a mistake when it had included the subject property in an R-3 district; and she remarked that she had a long record of objecting to high-density zoning in areas of the city which are basically single-family in character.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7524 and to disapprove the subject building permit application.

Robert Passmore, Planner V (Zoning), advised the applicants that they could appeal the decision of the City Planning Commission to the Board of Permit Appeal within 10 days of the date that the permit is disapproved by the Central Permit Bureau.

At 6:15 p.m. President Lau announced a five-minute recess. The Commission reconvened at 6:20 p.m. and proceeded with hearing of the remainder of the agenda.

CONSIDERATION OF LOCATION AND DEVELOPMENT GUIDELINES FOR FAST FOOD FACILITIES, CONVENIENCE STORES, AND SIMILAR QUICK-STOP ESTABLISHMENTS.

Janis Birkeland, City Planning Coordinator, reported on this matter as follows:

"During the past few years, there has been a growing number of proposals in San Francisco for new fast food facilities, convenience markets, and similar quick-stop operations which cater primarily to customers arriving by car. As a result, neighborhood groups and individuals have be-

come increasingly concerned about the impact that these quick-stop establishments are having on their shopping areas, particularly in regard to the traffic congestion, noise, litter, and the garish or attention-seeking designs that often accompany such projects.

"In response to these concerns, the City Planning Department, in the fall of 1974, undertook a study of the planning issues related to fast food facilities. Guidelines were subsequently developed, and prepared for distribution in 1975.

"Having used these guidelines during the last year in working with developers representing the industry, the staff has found a need to broaden the scope of the original fast food guidelines to include other related facilities and to add certain other standards. Consequently, the staff has prepared a revised set of guidelines which provide criteria for the location and development of quick-stop establishments, which we are now presenting to the Commission for its review and possible endorsement.

"These guidelines are intended to assist the planning staff in the process of evaluating future proposals for such facilities, and to provide a sound basis for decisions concerning site selection, planning and development. The results should insure that the introduction of additional facilities into the city occurs in a manner consistent with the objectives of the comprehensive plan of San Francisco.

"In recent years, fast food franchises have shifted their emphasis from building facilities in suburban areas to building within the core areas of major cities. As the suburban towns around the bay area have become saturated with certain fast food facilities, these franchises have begun to look toward San Francisco neighborhoods where high population concentrations can be found--particularly near residential areas and public parks or playgrounds.

"In addition to the recent interest in the San Francisco market on the part of fast food chains, it can be expected that San Francisco will soon be experiencing the mushrooming of small, single-purpose operations, such as photo-mat and drive-up xerox as has occurred in nearby towns; combined with a trend toward diversification by other businesses, such as 711's and liquor stores, to include fast food sales with their existing trade.

"Furthermore, it is anticipated that this trend will continue for some time, as these businesses accomodate a demand created by basic changes in the American lifestyle.

"Although these facilities for the most part provide quality food at low prices, there are several planning problems which tend to accompany such projects. This is in part because, in most cases, the type of facility that has found success in the suburbs--an auto-oriented, one story, free-standing building with a large parking area--has been directly transplanted from its suburban environment to the city.

" TRAFFIC

"As most customers arrive by car, traffic congestion often results from the high volume of business generated by these facilities: major fast food franchises, for example, anticipate 2,000 customers per day the industry seeks out high traffic volume locations, and when one major franchise finds success, other franchises tend to establish facilities in the same vicinity, further compounding the traffic problems.

"Another common problem develops when customers, expecting quick service, double-park or leave their engines running while they make their purchase.

"LITTER

"The majority of food sales are take-out and the paper wrappings often find their way onto city streets and side-walks as trash. Other kinds of businesses, such as convenience markets and liquor stores, also cashing in on fast food trade, often do not have provisions for seating areas or adequate trash receptacles.

"LATE HOURS

"Many of these quick-stop establishments are open until midnight, or even 24 hours a day. There is usually not enough business at these hours to justify remaining open for sales alone. They stay open late primarily because night-lighting serves as advertising, and customers who use the facility when their preferred restaurants or stores are closed, are likely to remember the location and return at other times. Unfortunately, however, this bright night-lighting and noise is sometimes disturbing to nearby residential properties.

"LOITERING

"Another frequently express concern is that these facilities often become places where people congregate and responsible management practices are necessary to prevent possible problems.

"DESIGN

"A major concern of San Franciscan's is the appearance of these facilities. Franchises like to use standardized facades and graphics that were developed originally for suburban locations, devised to attract attention, and provide instant identification by people speeding by in cars, through the use of peculiar signs and contrasting facade elements. These packaged designs often incompatible with the visual fabric of the neighborhood shopping areas and the older structures which give San Francisco its special character.

"The urban design element of the San Francisco Master Plan emphasizes the importance of promoting harmony in the visual relationships between new and older buildings, and states that new buildings should be made sympathetic to the scale, form and proportion of older development.

"TO SUMMARIZE THE GUIDELINES

"The site selection criteria are intended to:

- "1. Avoid the removal of existing housing units or the unnecessary displacement of small businesses,
- "2. And to avoid traffic problems, such as conflicts with public transit or congestion due to a concentration of auto oriented uses, by
 - A. Requiring traffic studies for proposed projects,
 - B. And in some cases limiting the size of facilities and their proximity to other auto oriented quick stop establishments.

"The site development and operational criteria are aimed at:

- "1. Encouraging greater pedestrian use by providing amenities such as ample outdoor seating and waiting areas and public restrooms,
- "2. And minimizing adverse impacts on neighboring properties by placing limitations on hours of operation, noise and bright night lighting.

"The guidelines also respond to the litter problem by:

- "1. Requiring adequate numbers of trash receptacles, and management policies which will insure that adjacent properties are kept free of trash originating from the business.

"The guidelines also set high standards for landscaping the site and for the screening parking areas.

"Finally, the guidelines state that standard building designs and signs should be adapted to the architectural character of the area, and that the department staff will review proposed designs for conformance to the principles and policies of the urban design element of the master plan."

Rai Y. Okamoto, Director of Planning, stated that the staff had intended to request action from the Commission on this matter during the current meeting; however, since industry representatives had not yet had an opportunity to review the proposed changes in the guidelines, he recommended that the matter be taken under advisement.

Michael Ohleyer, representing McDonald's, confirmed that it would be desirable to have time to review recent revisions in the guidelines with the staff of the Department of City Planning before action is taken by the Commission.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that this matter be taken under advisement until the meeting of July 22, 1976.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

76
- SAN FRANCISCO
- CITY PLANNING COMMISSION

≡ Minutes of the Regular Meeting held Thursday, July 8, 1976.

The City Planning Commission met pursuant to notice on Thursday, July 8, 1976, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Janis Birkeland, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Jonathan Twichell, Transit Planner III; James Hirsch, Planner II; Nancy Gin, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Marshall Kilduff represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meeting of May 13, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, noting that the Commission wished to be apprised of actions taken by the Board of Permit Appeals on planning matters, advised the Commission that the Board of Permit Appeals had cancelled its Wednesday night meeting.

The Director commented on the fact that the third in a series of neighborhood meetings concerning the Residential Zoning Study had been held the previous evening.

The Director reminded members of the Commission that the Northern Waterfront Planning Advisory Committee will meet on Friday morning, July 9, at 9:00 a.m.

The Director reported that the location of the Commission's joint meeting with the Public Utilities Commission next Thursday evening, July 15, at 8:00 p.m., has been changed to the headquarters of the Retail Clerks Union, Local 11, at 1345 Mission Street near 10th Street.

The Director announced that Peter Svirsky has returned home from the hospital and is doing well.

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The Director advised the Commission that the staff of the Department of City Planning had met its first deadline in the Yerba Buena study and had submitted eight proposals to the Mayor's Select Committee for consideration.

Alan Lubliner, City Planning Coordinator, remarking that a member of the Commission had expressed concern that the new hovercraft to be leased by the Golden Gate Bridge, Highway and Transportation District might create a noise problem, reported that he had determined that the particular type of hovercraft to be leased will be no noisier than urban buses, having a noise level of 80dba at 75 feet. He stated that a hovercraft which had been tested on the bay several years ago had risen higher out of the water than the new hovercraft which will be acquired and had reflected sound off of the water. The new hovercraft will have stabilizers and will remain relatively low in the water.

The Director, noting that the Commission had acted on July 1 to recommend disapproval of an amendment to the City Planning Code which would delete the requirement for mailing notices to individual property owners whenever rezoning proposals affect a major sub-area of the city, suggested that additional funds would be needed in the Department of City Planning's budget to mail notices to property owners who will be affected by the zoning changes proposed as a result of the Residential Zoning Study; and he recommended that the Commission adopt a resolution authorizing him to request a supplemental appropriation in the amount of \$20,000 to cover postage and miscellaneous costs involved in giving individual notice to property owners of zoning changes being proposed as a result of the Residential Zoning Study.

Commissioner Bierman noted that everyone who had testified at the Commission's public hearing on the proposed code amendment had taken the position that the Commission should continue to send individual notices to all property owners involved whenever a rezoning is being considered; and she, personally, felt very strongly that such notice should be given in the case of the reclassifications resulting from the Residential Zoning Study. After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7525 be adopted to authorize the Director to request a supplemental appropriation in the amount of \$20,000 to cover postage and miscellaneous costs involved in giving individual notice to property owners of zoning changes being proposed as a result of the Residential Zoning Study.

CONSIDERATION OF TWO PROPOSED CHARTER AMENDMENTS:

- A. AMENDING SECTION 8.329 OF THE CHARTER PERTAINING TO CERTIFICATION OF ELIGIBLES BY CIVIL SERVICE COMMISSION TO PROVIDE FOR SELECTION OF ONE OUT OF TOP THREE ELIGIBLES;
- B. AMENDING SECTION 8.300 TO PROVIDE THAT POSITIONS OF HEADS OF THE DEPARTMENTS, ASSISTANT HEADS OF DEPARTMENTS AND HEADS OF MAJOR BUREAUS, NOT SPECIFICALLY EXEMPTED BY OTHER PROVISIONS OF THE CHARTER, SHALL BE EXEMPTED FROM CIVIL SERVICE PROVISIONS OF THE CHARTER, THE TOTAL NUMBER NOT TO EXCEED 1% OF THE TOTAL NUMBER OF AUTHORIZED POSITIONS IN THE ANNUAL BUDGET.

Commissioner Rosenblatt, Chairman of the Commission's Budget and Personnel Committee, stated that these matters had been considered by his committee during

a meeting which had been held earlier in the afternoon. The recommendation of his committee was that a letter be sent to the Board of Supervisors expressing the Commission's endorsement of the Charter Amendment providing for a rule of three provided that the rights of top eligibles are protected. The committee also recommended that the Commission endorse the proposed Charter Amendment which would allow for exempt appointment of the types of positions indicated or a modified amendment which would exempt only department heads and their immediate assistants.

President Lau asked if any members of the staff were present to discuss these matters and received a negative response. He noted that members of the staff had been present during the committee's discussion of these matters.

Commissioner Finn remarked that San Francisco is the only city in California which still uses the rule of one; and he indicated that he would favor a Charter change which would allow use of the rule of three. However, he did not feel that the first eligible on a list should be passed over more than once; and, for that reason, he supported the proviso which had been recommended by the Budget and Personnel Committee.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the proposed Charter Amendment which would replace the rule of one with a rule of three be endorsed providing that mechanisms are established to protect the rights of top eligibles. The Commission also endorsed the proposed Charter Amendment which would provide that positions of heads of departments, assistant heads of departments and heads of major bureaus be exempt from Civil Service provisions of the Charter; but the Commission indicated that it would be supportive of an alternate amendment which would exclude only department heads and their assistants.

LM76.3 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE SAN FRANCISCO
ART INSTITUTE, 800 CHESTNUT STREET, AS A LANDMARK.
(Postponed from Meeting of May 13, 1976.)

Rai Y. Okamoto, Director of Planning, recommended that this matter be postponed until the meeting of October 7, 1976. Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the matter be postponed as recommended by the Director.

DR76.17 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NO. 457824 FOR A DOGGIE DINER AT THE
NORTHEAST CORNER OF 10th AND MISSION STREETS, (EE76.119).

Rai Y. Okamoto, Director of Planning, recommended that the request for discretionary review of the subject building permit application be granted by the Commission. It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the request be granted.

DR76.17 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457824.

James Hirsch, Planner II, referred to land use and zoning maps to describe the subject property which has frontages of 100 feet on Mission Street and 87.5 feet on 10th Street. The property is presently used as a parking lot. The applicant proposed to construct a Doggie Diner "fast-food" restaurant consisting of a one-story, 1,085 square feet building on the corner and a 15 car parking lot with vehicular access and egress on both Mission and 10th Streets. Mr. Hirsch then proceeded to give additional background information on the proposed project, as follows:

"In a meeting with the staff of the Department of City Planning, on March 3, 1976, the applicant was advised that both Mission and Tenth Streets are transit preferential streets (as designated in the transportation element of the city Master Plan) and, further, that an auto oriented facility would not be appropriate for a site within a C-3 zoning district, and along transit preferential streets.

"On March 25, 1976, the proposal was presented to ISCOTT (Inter-Departmental Staff Committee on Traffic and Transportation). As a result of this meeting, the applicant was advised that the Department of Public Works was not supportive of the proposed auto oriented facility due to conflicts with transit vehicles and with a proposed traffic diverter to be located at the intersection of Mission and Tenth Streets. The Transportation Planning staff of the Department of City Planning and the Municipal Railway also recommended that the proposed facility be pedestrian oriented.

"Conflicts with transit vehicles were of concern due to the location of a bus stop for several major lines on Mission Street, adjacent to the driveway of the proposed facility. Automobiles queuing along Mission at peak traffic periods to use the facility could interfere with buses approaching the bus stop.

"At staff request, the applicant provided existing Mission Street peak hour counts. They also provided counts for other existing Doggie Diner facilities in the city as estimated counts for the proposed facility, indicating that in their opinion, no stacking or double parking would occur.

"The applicant returned to ISCOTT on May 13, 1976 for another review and a letter was subsequently transmitted to the Department of City Planning by Mr. S. M. Tatarian, Director of Public Works, indicating that the proposed facility would cause no transportation problems as any stacking would occur in the curb lane and transit vehicles would be traveling only in the center lane. The transportation planning staff of the Department of City Planning and of the Municipal Railway disagreed with this conclusion indicating that automobiles could double park utilizing the center lane (thereby blocking transit vehicles) and that bus stops are located in the curb lane which is where potential stacking or illegal waiting could occur."

Mr. Hirsch stated that the applicants had stated that they would not consider developing a pedestrian-oriented facility at the subject site under any conditions. Therefore, the staff of the Department of City Planning had requested that the Commission undertake a discretionary review of the proposal. He indicated that a negative declaration had been issued for the project on June 25, 1976. He stated that the primary concern of the staff of the Department of City Planning was one of automobile/transit vehicle conflict. The introduction of the proposed suburban scaled diner was also of concern because it would occupy a major corner of an area indicated in the Urban Design Element of the Master Plan for building heights which would help to define a transition between the 300 foot buildings on Market Street and the 80 foot and lower buildings south of Mission Street. The applicants had indicated that the national headquarters of their corporation would be unwilling to modify their design package to accommodate local conditions.

Commissioner Starbuck asked if the staff of the Department of City Planning would prefer to have a higher building on the site. Mr. Hirsch replied that the staff would prefer to have a building which would define the corner. That might be accomplished through greater height, greater bulk, or other types of design treatment.

Commissioner Starbuck then remarked on the fact that the Director of Public Works had taken the position that the proposed use would not interfere with transit vehicles which would be using the center lane of Mission Street; but he pointed out that vehicles will not be using the center lane until the Transit Preferential Program proposed for the street is implemented.

Commissioner Rosenblatt remarked that the Transit Preferential Program may not be implemented; and, in that case, it appeared that cars entering and leaving the proposed facility would interfere with transit service on Mission Street.

Commissioner Starbuck asked if the applicant would be willing to have only one driveway located on 10th Street. Mr. Hirsch replied that the applicant had taken the position that access from and egress onto Mission Street were essential for the project.

Al Ross, President of Doggie Diner Incorporated, stated that several meetings had been held with the staff of the Department of City Planning to discuss the proposed project. From the beginning, the staff had taken the point of view that the facility should be pedestrian-oriented; and it had indicated that other city departments shared its concern about possible conflict with transit vehicles on Mission Street. However, he had subsequently met with representatives of the other departments; and they had withdrawn their objection to the proposed project. He advised the Commission that he had never seen vehicles double-stacked at a Doggie Diner facility. If the proposed facility were required to be pedestrian-oriented, it could not exist on the subject site because there is not a great deal of pedestrian traffic on Mission Street, particularly after 6:00 p.m. He emphasized that the property is utilized as a parking lot at the present time; and he felt that the proposed facility would constitute an improvement for the area.

Commissioner Starbuck asked if all of the Doggie Diner facilities operate on a 24-hour basis. Mr. Ross replied that most of the facilities are always open.

Commissioner Starbuck then asked Mr. Ross if he knew for a fact that a pedestrian-oriented facility would be unsuccessful on the subject site. Mr. Ross replied that such a facility would not be successful after 6:00 p.m.

Commissioner Bierman asked about the hours of operation of the Doggie Diner facility on Arguello Boulevard. Mr. Ross replied that that facility is open on a 24-hour basis.

Commissioner Dearman stated that she felt that the Commission should encourage development of new businesses in commercial areas; however, if too much traffic were to be generated at a single location, that traffic could interfere with transit service on Mission Street.

Mr. Ross indicated that he would be willing to consider an alternate proposal with ingress from Mission Street and egress onto 10th Street. He stated that his facilities have never caused traffic problems; and he stated that he wished to avoid circumstances under which his clients might be injured. He remarked that his diners are a union operation which is in competition with non-union facilities such as McDonald's; and he felt that such businesses should be incurred.

Rai Y. Okamoto, Director of Planning, noting that Doggie Diner Incorporated is part of a larger firm, asked what degree of flexibility Mr. Ross has in making modifications in building plans to meet local objectives.

Mr. Ross replied that he did have some flexibility in terms of authorizing design changes; but he emphasized that whatever is built must make a profit.

Richard Ablon, Director of Planning for the Ogden Food Service Corporation, stated that his firm is familiar with the special qualities and requirements of San Francisco. He emphasized that Doggie Diner is a Bay Area concern; and he indicated that their expansion program is oriented toward this region. He stated that they would be willing to make the proposed facility to appear to be pedestrian-oriented as long as some automobile trade could be accommodated. He remarked that there is very little pedestrian traffic at the subject location; but he indicated that they would be willing to reduce the number of off-street parking spaces proposed for the site.

The Director asked if the staff had considered the acceptability of providing ingress only from Mission Street and egress onto 10th Street. Mr. Hirsch replied in the negative.

Alan Lubliner, City Planning Coordinator, stated that ingress from Mission Street would not be desirable since automobiles waiting for a parking space might interfere with transit vehicles on Mission Street. He felt that it would be preferable to have ingress to the site from 10th Street and egress onto Mission Street. He stated that car washes have been established at 7th and 10th Streets

on Mission Street; and, although both of those facilities had claimed that they would not attract a substantial number of automobiles, they have, in fact, generated a great deal of traffic. He felt that approval of additional automobile generating uses on Mission Street would inevitably lead to a disruption of transit service.

An individual in the audience pointed out that Municipal Railway buses do not stop at the northeast corner of Mission Street at 10th Street.

Mr. Albon stated that three Doggie Diner facilities located further out on Mission Street are interposed with bus stops; and he was not aware that any conflict between customers and buses had arisen at those locations.

Mr. Lubliner asked the applicants if they had conducted any traffic or parking surveys to determine whether there will be a need for off-street parking in the area after a certain time of day. Mr. Ross replied that he was convinced that off-street parking will be needed at the subject site at all hours because Mission Street, unlike Market Street, does not have a great number of pedestrians.

The Director observed that the new Bank of America facility being constructed in the block to the west of the subject site would generate a great deal of foot traffic. Commissioner Rosenblatt added that the new Bank of America facility will operate on a 24-hour basis.

Mr. Ross stated that the new Bank of America facility was one of the reasons why his firm wished to locate a diner on the subject site. He then remarked that any type of commercial uses which might occupy the subject property would be likely to have some off-street parking spaces.

The Director emphasized that Mission Street has been designated as a transit preferential street; and, as a result, it would be contradictory for the Commission to approve automobile-oriented uses along the street. After Mr. Ross had pointed out that the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) had not opposed the proposed project, the Director replied that the staff of the Department of City Planning does not always agree with the other departments which are represented on that committee.

Commissioner Bierman remarked that very few businesses on Mission Street are open at night; and, as a result, the area is inactive and not well-lighted. While she acknowledged that the Commission should try to avoid approving automobile-oriented uses which would interfere with transit vehicles on Mission Street, she felt that the subject neighborhood might benefit from a well-lighted establishment which would be open throughout the night.

Commissioner Finn stated that he was somewhat confused by the staff recommendation on this matter. He remarked that the Municipal Railway was not opposed to the proposed facility; and, although Mission Street is a transit preferential street, traffic on the street tends to be relatively light after 6:00 p.m. He indicated that he passes the Doggie Diner facility at Geary and Arguello

Boulevard almost every day; and he reported that he had never seen vehicles entering or leaving that facility interfere with the regular flow of traffic. He suggested that action on the proposal be postponed pending further study of the matter by the staff.

The Director stated that he wished to follow through on some of the offers which had been made by Mr. Albon; and, as a result, he indicated that he, also, would favor taking the matter under advisement.

Commissioner Bierman stated that she objected to the molded dog head which has been used as a sign by Doggie Diners. Mr. Ross stated that those signs are being removed from existing facilities; and he indicated that such a sign would not be installed at the proposed facility. He stated that he would be willing to sit down with the staff to see if a compromise could be achieved with regard to the design of the proposed facility.

President Lau asked Mr. Ross if he understood that it was the policy of the Commission that through traffic should be diverted from Mission Street at certain locations and that only transit vehicles should be permitted to continue past the traffic diverters. After Mr. Ross had replied in the affirmative, President Lau observed that the installation of traffic diverters on Mission Street may diminish the necessity for automobile ingress and egress for the proposed project from Mission Street.

Commissioner Starbuck asked if Doggie Diner has any facilities in San Francisco which have no off-street parking spaces. After Mr. Ross had replied in the negative, Commissioner Starbuck asked which of the facilities in San Francisco has the least number of parking spaces. Mr. Ross replied that one Doggie Diner facility in San Francisco has only seven off-street parking spaces; and he indicated that that facility does almost no business.

Commissioner Bierman, remarking that the Bank of America is constructing a major new building in the area, stated that she doubted that the new Doggie Diner facility would need to rely heavily on automobile traffic for its business. She asked if the subject property is presently owned by the applicants. Mr. Ross replied in the negative, indicating that his firm has leased the property.

Commissioner Rosenblatt asked Mr. Ross if he was familiar with the layout of the traffic diverters which have been proposed for Mission Street. Mr. Ross replied in the affirmative and indicated that he felt that the proposed facility could survive with the business from the traffic which will remain on the street.

Commissioner Finn stated that he would not be prepared to vote for any fast food establishment on the subject property which would have both access and egress for automobiles on Mission Street.

Commissioner Starbuck asked Mr. Ross if he would be willing to reduce the number of off-street parking spaces being proposed for a new facility. Mr. Ross replied in the affirmative.

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After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be taken under advisement until the meeting of August 5, 1976.

DR76.18 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457825 FOR A DOGGIE DINER AT THE NORTHEAST CORNER OF 25TH AVENUE AND GEARY BOULEVARD, (EE76.120).

Rai Y. Okamoto, Director of Planning, recommended that the request for discretionary review of the subject permit application be granted.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that the request for discretionary review of the building permit application be granted.

DR76.18 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457825.

James Hirsch, Planner II, referred to land use and zoning maps to describe the subject property which is a corner lot with street frontages of 57.5 feet on Geary Boulevard and 100 feet on 25th Avenue. The property is vacant. The applicant proposed to construct a Doggie Diner "fast food" restaurant on the site consisting of a one-story, 1085 square foot building on the corner and a nine-car parking lot with vehicular access from 25th Avenue and egress onto Geary Boulevard. He then provided background information on the proposal, as follows:

"At a meeting on March 3, 1976, between the applicant and Department of City Planning staff, the applicant was provided with a copy of the City Planning Department's "Fast Food Guidelines" (January 20, 1975). The relevant sections of those guidelines are:

- "1. 'Facilities should be located in such a manner as to complement other uses in the immediate area and avoid concentrations of Fast Food Facilities'
- "2. 'Building and site designs should reflect the positive aspects of the existing character of development in the area'
- "3. 'Hours of operation of facilities in close proximity to residential areas should be restricted to the period between 7:00 a.m. and 10:00 p.m.'

"The applicant was also advised that both Geary Boulevard and 25th Avenue are transit preferential streets as designated in the Transportation Element on the City Master Plan. Although a bus stop is located on the Geary Boulevard corner of the proposed site, its size and configuration preclude a single driveway solution which would reduce transit/automobile conflicts at this intersection.

"On March 25, 1976, the proposal was discussed at a meeting of ISCOTT (Inter-Departmental Staff Committee on Traffic and Transportation). As a result of this meeting, the applicant was advised that ISCOTT and the transportation planning staff of the Department of City Planning recommended that 25th Avenue be utilized for access, in the event that stacking should occur, since it is a secondary thoroughfare (Geary Boulevard is a major thoroughfare)."

Mr. Hirsch stated that the request for discretionary review of the subject application had been filed by Sister Mary Bernarda, Principal of St. Monica's School at 5920 Geary Boulevard. She had requested a discretionary review of the proposed facility due to environmental, social, aesthetic and child-safety considerations. The staff of the Department of City Planning was concerned about the introduction of a suburban scale "diner" into a commercial zone of architecturally interesting character and a predominate height of approximately 40 feet. Traffic congestion and traffic conflicts with school children were of equal concern. However, the primary concern of the staff would be the introduction of 24-hour activity in a residential neighborhood. He stated that a negative declaration had been issued for the project by the Department of City Planning on June 25, 1976.

John Ferdon, Attorney for St. Monica's School and Parish, remarked that the issues relating to the proposed project were considerably different from the issues relating to the facility proposed for 10th and Mission Streets which had just been considered by the Commission. He stated that both Geary Boulevard and 25th Avenue have bus lines with the line on 25th Avenue being the major north-south transit route on the west side of the city; and he felt that the proposed facility would inevitably disrupt service on both of those bus lines. The principal of St. Monica's School was also concerned about the safety of children attending her school and other schools in the area, of which there are a considerable number. Furthermore, he remarked that Doggie Diners are open on a 24-hour basis; and he did not feel that such uses should be located in neighborhoods which are essentially residential in character. While he did not wish to discourage the establishment of new businesses in San Francisco, he felt that new businesses should not be permitted at the expense of damaging the quality of an established neighborhood. He noted that the staff of the Department of City Planning had issued a negative declaration for the proposed project after subjecting it to an environmental evaluation; and he felt that it was inappropriate for the staff to have taken that action. He remarked that Glendale Savings and Loan has constructed an attractive office across the street from the subject site; and other property owners in the neighborhood have improved and will continue to improve their properties. He believed that construction of a Doggie Diner on the subject site would not enhance the environment of the area. He stated that businessmen on Geary Boulevard already have enough trouble, particularly in view of the fact that traffic barricades have recently been installed in the area; and he felt that the additional traffic and parking problems which would be caused by the proposed Doggie Diner should be avoided. He advised the Commission that the Russian Orthodox Church on Geary Boulevard was informally opposed to the proposed project; and, in addition, objections had been registered by other property owners on the

street. Even if the applicant would be willing to modify the design of the proposed facility, he and his clients would be opposed to construction of a Doggie Diner on the subject site.

Al Ross, President of Doggie Diner Incorporated, remarked that the subject property had previously been occupied by a gasoline service station; and he remarked that residents of the neighborhood had not objected to that use. Representatives of his firm had canvassed the subject neighborhood and had not found a single businessman who objected to the proposed project. He advised the Commission that Doggie Diner operates a facility at Geary and Arguello Boulevards where traffic is considerably heavier than at the subject site; and that facility has created no traffic problems. If the residents of the subject neighborhood were opposed to a commercial use on the subject property which is zoned commercially, he expected that they would be satisfied only if the property were to be used as a park.

Commissioner Starbuck remarked that the facility being proposed for the subject site would be the same size as that proposed for the 10th and Mission Streets site; yet, only nine off-street parking spaces were being proposed in the present instance whereas 15 off-street parking spaces had been proposed for the other facility. Mr. Ross stated that fewer parking spaces had been proposed for the subject site because of the nature of the neighborhood. He emphasized that the facilities operated by his firm do not cater to children; and, in fact, where their facilities have been located near schools they have received no complaints.

A resident of the neighborhood who was present in the meeting room stated that residents of the area had objected to the gasoline station which had previously occupied the site. He also expected that "motorcycle gangs" on their way to the beach at night would stop at the proposed Doggie Diner and disturb residents of the neighborhood.

Mr. Ross stated that Doggie Diners have 24-hour supervision with seven supervisors moving from one facility to another. In addition, all facilities have managers on duty during daytime hours and assistant-managers on duty at night. If nuisances should develop, complaints would be received from customers as well as from residents of neighborhoods in which the facilities are located. He stated that it was the desire of his firm that the proposed facility should be open on a 24-hour basis; however, if the Commission should so desire, operation of the facility could be limited to two 8-hour shifts.

Commissioner Bierman remarked that the lights and activity provided by such facilities can be an asset in some neighborhoods at night; however, she questioned the desirability of conducting a 24-hour operation on the subject property.

Commissioner Rosenblatt observed that the staff guidelines which had been given to the applicant had indicated that the hours of operation of the proposed facility should be restricted to the period between 7:00 a.m. and 10:00 p.m. He then noted that guidelines which had been presented to the Commission on July 1

for the location and development of quick-stop establishments had provided that auto-oriented facilities should not be located within a 500 foot walking distance of schools in order to avoid potential traffic hazards; and he asked if the proposed facility would conform to that guideline. Mr. Hirsch replied that the subject site is less than 500 feet from a school.

The Director, noting that Mr. Ross had stated that he had canvassed businessmen in the area, asked if he had also solicited the opinion of residents of the area concerning the proposed use. Mr. Ross replied in the negative.

Commissioner Rosenblatt asked Mr. Ross if different menus are used at different Doggie Diner facilities. Mr. Ross replied in the affirmative.

Commissioner Dearman remarked on the fact that the restaurant which is located across the street from the subject site started serving cocktails within the last two or three years; and she asked if St. Monica's School and Parish had objected to that use.

Father Denis Foudy, representing St. Monica's Parish, stated that no one had asked the church if they objected to the serving of alcoholic beverages in the area; and, as a matter of fact, no one had asked them if they objected to the proposed use of the subject site. When Commissioner Dearman asked why the school had objected to the proposed use, Father Foudy replied that children would have to pass the subject property on their way to and from school in the mornings and evenings and at lunch time.

Commissioner Dearman asked if the school is afraid that the children might be tempted to purchase food at the proposed facility. Mr. Ferdon replied that the children might be tempted to spend their money at the facility; but regardless of that issue, he did not feel that the subject property would be a proper location for the proposed use.

Commissioner Dearman stated that she did not understand why school children would frequent the proposed establishment if they had no money and if they had to be home at a particular time.

Mr. Ferdon stated that bus transfer points are located in the vicinity of the subject site; and he felt that automobiles leaving the property might endanger the safety of school children who travel by bus.

Commissioner Dearman then stated that the arguments being made by opponents to the project carried overtones to the effect that the proposed facility might generate violence.

Mr. Ross stated that one of the Doggie Diner facilities in San Francisco is located adjacent to a high school; and he indicated that that establishment had experienced no problems with the school children. If the school children do come into the facility, they are treated as customers.

Mrs. Tess Margolin, 478 25th Avenue, read the following prepared statement:

"My husband and I, Mr. David Margolin and Mrs. Tess Margolin, are definitely against a Doggie Diner coming to the corner of Geary Boulevard and 25th Avenue. Our house is the one immediately next to where this very menacing building and its founders wish to build. We do not want cars parked against our building."

"We would be the direct ones to suffer this humiliation. We have lived here for years. This is not our final crucial ending. We will not even accede to the thought of such a building, that of a Doggie Diner."

"Roaring motorcycles and cars parked against our home, constant odors of 24-hour sickening ordeal. What about sleep? 24 hours of no sleep, only shattered nerves. Have you Doggie Diner people ever thought of this very possible situation which would be everlasting? Have you thought of the environment, and the terrible impact it would have on the neighborhood? Have you ever thought about the garbage thrown from cars that would bring rats and disease to all of us here? And if so, we would constantly be calling the Board of Health, who would be out inspecting immediately."

"Have you ever thought about some of the people within these vehicles and the Doggie Diner itself as being a direct threat to the environment."

"You people of the Doggie Diner---do you want to be constantly hounded by the police being called because of noise caused to us, and by people in their motorcycles and cars parked all over the street, in front of our garages, as well as against our house."

"Have you ever thought about the parked cars on the lot of the proposed Doggie Diner --- and have you thought about innocent children coming to the diner who could, and most possibly would be approached by undesirable people sitting in the cars. You of the Doggie Diner --- would you like your children accosted in this way?"

"I am sure that parents and teachers will be definitely opposed as well as others very concerned."

"I am a very ill person, and have two doctors who are very concerned about my health. I have extreme hypertension and must have my blood pressure checked very often. I have had to leave my job because of illness, a former disc operation which leaves me in the precarious position of being in great pain when having to lift or bend, and I have degenerative arthritis. The illness of my hypertension is very dangerous. This Doggie Diner situation is making the condition of my health much worse."

"My husband and I do not want a Doggie Diner next to our house on Geary Boulevard and 25th Avenue."

Mr. Kay, a resident of 30th Avenue across the street from Washington High School, stated that many high school students have automobiles. During lunch hour, many of them tend to drive to the Doggie Diner on Arguello Boulevard; and, on returning to school, they throw food wrappers out of their automobiles onto streets in a residential neighborhood. He stated that the subject property had been previously occupied by a gasoline service station; and the traffic generated by that station had caused traffic problems on Geary Boulevard and had interfered with the bus-stop on the corner. Since the proposed building would cover more of the site than the former gasoline station, he believed that the Doggie Diner would create a worse traffic situation than the service station.

Mr. Margolin expected that the proposed Doggie Diner would be frequented by younger people; and if it were to be operated on a 24-hour basis, he believed that residents of the neighborhood would be kept awake all night. He advised the Commission that he had complained a great deal about fumes which had been generated by the gasoline station which had previously occupied the site; and he remarked that the Doggie Diner would probably generate unpleasant odors, also. He remarked that two Doggie Diners are already located on Geary Boulevard within a one mile strip; and he wondered how many Doggie Diners need to be located within the same neighborhood. In conclusion, he stated that he felt that the intersection of Geary Boulevard and 25th Avenue would be an extremely poor location for the facility.

Dottie Ricards stated that she had just constructed a new home on 25th Avenue with 110 feet of the subject site; and she believed that construction of the proposed facility would depreciate the value of her property. She indicated that the neighborhood already has parking problems; and she believed that the proposed Doggie Diner would bring additional parking and noise problems to the area. She advised the Commission that 80% of the residents along 25th Avenue are older than 50 years of age. Many of them have sleeping problems; and the proposed facility would make their nights more uncomfortable.

Norman Smith, 451 25th Avenue, remarked that the quality of life in American cities is being destroyed to accommodate a motorized style of life; and he indicated that he objected to that trend. He pointed out that there is no shortage of restaurants on Clement Street and in the Richmond area in general; and those restaurants offer a multi-ethnic bill of fare. As presently constituted, the subject neighborhood is a desirable one in which to live; and he felt that the character of the neighborhood should not be destroyed merely to accommodate sheer commercialism. The proposed facility would have a parking lot which would accommodate nine automobiles or 27 motorcycles; and the congestion and noise which would be generated by those vehicles would have an extremely detrimental effect on the neighborhood. Furthermore, neighborhoods in which fast food restaurants are located tend to have a great deal of litter. He acknowledged that the subject property is zoned for commercial use; and he felt that it should be developed commercially. However, he felt that there are a number of services which the neighborhood needs on a 24-hour basis other than the services which would be provided by a Doggie Diner.

Charles Etcheber, 473 25th Avenue, inquired about the cost of the least expensive food which would be sold in the proposed Doggie Diner. After Mr. Ross had replied that soft drinks and sweet rolls would be sold for 25¢ apiece, Mr. Etcheber remarked that school children would probably buy such items and then throw away the wrappers or containers in the street.

Mr. Ross stated that trash receptacles are available at Doggie Diner facilities; and the area in the vicinity of the facilities is policed. No problems have developed in the past. In any case, he emphasized that there is no business which does not dispense some of its merchandise in some type of disposable wrapper or bag.

Mrs. Margolin asked if anyone from the Planning Area for the Richmond was present in the audience. No one responded.

Father Foudy remarked that the subject neighborhood is primarily residential in character. He indicated that many children walk to and from school and would be passing the proposed Doggie Diner; and when teen-age children get together, a combustible situation can develop.

Commissioner Dearman observed that many businesses are leaving the city; and she felt that the Commission should be concerned about that problem. At the same time, the Commission has an obligation to be responsive to the concerns of residents of the city's neighborhood. She hoped that the staff would have a recommendation which would strike a balance between the opposing concerns in the present instance.

Mr. Ross, noting that many of the people in the audience who had spoken in opposition to the project had expressed concern that youngsters might frequent the establishment, advised the Commission that 95% of the customers of Doggie Diners are adults. In addition, he emphasized that Doggie Diner facilities were well policed. He stated that his firm has had 28 years of experience in the business; and they were fully aware that any facility which has a detrimental impact on the neighborhood in which it is located will eventually have to go out of business. In fact, no music is played in Doggie Diner facilities. While it would be desirable to accommodate everyone's concerns, he felt that it would be physically impossible in the present instance. If he were a resident in the subject neighborhood, he would probably prefer to have the subject property used as a park; but he remarked that parks do not pay taxes.

The Director stated that he had intended to recommend that the subject permit application be approved subject to seven conditions which were contained in a draft resolution which he had prepared for consideration by the Commission; however, since the conditions contained in the draft resolution did not adequately cover some of the concerns which had been expressed during the course of the public hearing, he felt that the draft resolution should be modified. He noted that the property is zoned for commercial use; and the traffic and bus-stops make the site attractive for the type of use proposed. However, at the same time,

the traffic and bus-stops could also be used as reasons why the proposed project should not be located on the subject site. He felt that it would be important for the staff to meet further with the applicant to determine what specific modification could be made in the plans in response to the concerns expressed by residents of the neighborhood, particularly as they related to noise, the hours of operation of the proposed facility, and access and egress to the site. Ms. Birkenland stated that it would be possible to regulate fixed source equipment noise on the site; however, she could not know how it would be possible to regulate noises which might be generated by the customers.

The Director stated that it might be possible to control the noise to some extent by reducing the number of parking spaces on the site and by limiting the locations where motorcycles would be allowed to park.

Commissioner Bierman stated that she was troubled by the proposal to construct the proposed facility on the parcel of property under consideration. While Geary Boulevard is zoned for commercial use, she emphasized that 25th Avenue is zoned for residential use; and, where such zoning patterns occur, she felt that the Commission should be extremely careful about the type of development which is allowed on the corner parcel of property. She stated that her inclination was to vote for disapproval of the subject building permit application.

Commissioner Finn stated that he shared the concerns which had been expressed by Commissioner Bierman. In addition, he was concerned about the proximity of the subject site to several high schools and grammar schools. He believed that development of a Doggie Diner on the subject site would create a potential for a bad social mix and excessive noise. While he had no objection to Doggie Diners per se, comments which had been made by residents of the neighborhood had convinced him that the subject property would not be an appropriate location for the proposed facility. He felt that it is very important to provide a buffer between residential and commercial uses; and he indicated that he would be inclined to vote against the subject building permit application.

Commissioner Starbuck stated that he intended to vote against the application. He remarked that the proposed facility would conflict with the Commission's Transit Preferential Street Program; and he believed that the proposed use would be totally inappropriate on the subject site because of its proximity to a residential neighborhood. He could see no way in which the impact of the proposed use could be alleviated; and, therefore, he felt that the application should be disapproved.

Commissioner Rosenblatt emphasized that the subject property is zoned for commercial use; and he felt that disapproval of the subject building permit application would be tantamount to saying that the property could not be used for commercial purposes. The staff had prepared guidelines for the location and development of fast food and quick-stop establishments; and he felt that the Commission would be going beyond those guidelines if it were to disapprove the subject application.

The Director remarked that it might be necessary for the staff to give further attention to the locational requirements outlined in the guidelines for development and location of quick-stop establishments.

Mr. Kay advised the Commission that at least one accident a week occurs at the intersection of Geary Boulevard and 25th Avenue; and he felt that the Commission should study the record of accidents which have taken place at the intersection.

President Lau observed that only six members of the Commission were present; and, if a tie vote should occur, the application would be disapproved.

After further discussion it was moved by Commissioner Finn and seconded by Commissioner Starbuck that the subject building permit application be disapproved.

President Lau stated that he has a number of friends who have children attending St. Monica's School. Furthermore, there is a service station located at Funston Avenue and Geary Boulevard near his home which he finds objectionable. However, in view of the fact that the subject property is zoned for commercial use, he intended to vote against the motion.

When the question was called, Commissioners Bierman, Finn, and Starbuck voted "Aye"; and Commissioners Dearman, Lau and Rosenblatt voted "No". The result was a tie vote. Therefore, under the Rules and Regulations of the City Planning Commission which provide that "a tie vote on a matter before the Commission shall be deemed to be a disapproval of", the subject building permit application was disapproved.

The applicant was advised that he has a right to appeal the decision of the Commission to the Board of Permit Appeals within 10 days after the permit has been denied by the Central Permit Bureau.

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

-SAN FRANCISCO
-CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, July 15, 1976.

The City Planning Commission met pursuant to notice on Thursday, July 15, 1976, at 2:15 p.m. in the meeting room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Richard Hedman, Planner V-Urban Design; Lucian Blazej, Planner IV; Richard Gamble, Planner IV; Carroll Williams, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Moira So, City Planning Coordinator; Wilbert Hardee, Planner III; Edward Michael, Planner III; Jonathan Twichell, Transit Planner III; Audrey Owen, Staff Assistant III; Jon Pon, Staff Assistant III; William Ward, Staff Assistant III; Douglas Holmen, Planner II; Michael Johnstone, Architectural Design Draftsman; Robert Woods, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the minutes of the meeting June 3, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that Nancy Gin had represented the Department of City Planning at a meeting held by the Board of Permit Appeals on the previous evening. By a 2-3 vote the Board had upheld the Commission's disapproval of psychiatrists offices at 314-316 Laurel Street. Four votes are required at the Board of Permit Appeals to overrule an action of the Commission.

The Director advised the Commission that he had requested that promotive and entrance examinations for Class 5280 Planner III be cancelled so that revised announcements could be prepared in consultation with the Municipal Planner's Association.

The Director reported that a Child Care Task Force Report which had been prepared in part by the Department of City Planning had been submitted to the Board of Supervisors. Public hearings on the matter will be scheduled by the Board in September.

The Director advised the Commission that a newsprint report had been published describing six alternate proposals for the Yerba Buena Center. The first of a series of public hearings on the proposals will be held by the Mayor's Select Committee on Yerba Buena Center on Monday, July 19, at 7:30 p.m. at the Winfield Scott School at 3630 Divisadero Street.

The Director indicated that he had attended a bi-centennial meeting of the McKinnon Avenue Residential Block Club on Monday evening.

The Director announced the appointment of a committee to advise the staff of the Department of City Planning and its consultants on economic impacts which may result from zoning changes proposed as a result of the Residential Zoning Study. The committee is composed of housing providers, users, and others. The membership of the committee is as follows: Bill Rosso, Gerson Bakar, Joe Fitzpatrick, Jim Fabris, Lloyd Hanford, Jr., Dick Watson, Harry Chuck, Jude Laspa, Bill Wilson, Toby Rosenblatt, Charles Starbuck, and Ed Lawson.

Commissioner Rosenblatt advised the Commission that the Legislative and Personnel Committee of the Board of Supervisors, meeting next Tuesday, July 20, is scheduled to consider a proposed Charter amendment which would reduce the percentage of money from the Open Space Acquisition and Park Renovation Fund which could be used for acquisition and increase the amount which would be used for renovation. He noted that the Open Space Acquisition and Park Renovation Fund had been established by the voters to implement the Recreation and Open Space Element of the Master Plan; and he felt that approval of the proposed Charter amendment would reduce the effectiveness of the open space program. Therefore, he moved that the Commission advise the members of the Legislative and Personnel Committee of the Board of Supervisors that it is opposed to the proposed Charter amendment.

Commissioner Bierman asked if the proposed Charter amendment had been discussed by the Recreation and Open Space Advisory Committee. Commissioner Rosenblatt replied that he had spoken with a co-chairman of that Committee who had indicated that she was opposed to the proposed amendment.

The motion was seconded by Commissioner Bierman. When the question was called, the Commission voted unanimously to advise the Board of Supervisors that it is opposed to the proposed Charter amendment because it would reduce the effectiveness of the open space program.

Commissioner Rosenblatt urged members of the Commission to attend the next meeting of the Northern Waterfront Planning Advisory Committee on Friday, July 23, at 9:00 a.m. in the Library Commission Meeting Room when transportation issues in the Northern Waterfront will be discussed.

The Director reported that Sidney Shaw of the staff of the Department of City Planning has been working with the staff of the Recreation and Park Department to prepare a plan for McLaren Park. After further neighborhood meetings, the plan will be presented to the Recreation and Park Commission and will subsequently be reviewed by the City Planning Commission.

Commissioner Bierman requested that the Commission's meeting be adjourned in respect to the memory of Charles L. Turner, Administrative Aide to Assemblyman Willie Brown.

PRESENTATION OF MAYOR'S PRELIMINARY 1977 COMMUNITY DEVELOPMENT PROGRAM.

James Jaquet, Director of the Mayor's Office of Community Development, summarized the proposed 1977 Community Development Block Grant Program and responded to questions raised by members of the Commission. Public hearings on the proposed program will be held by the Mayor on Tuesday, July 27, and Thursday, July 29, both to be held at 7:30 p.m. in the Chambers of the Board of Supervisors, City Hall.

STATUS REPORT ON ARCHITECTURAL SURVEY.

Richard Hedman, Planner V - Urban Design, stated that this project had been made possible through a program of the Northern California Chapter of the American Institute of Architect which had placed unemployed architects on the staff of the Department of City Planning with funds provided by the Comprehensive Employment and Training Act (CETA). Working with an advisory committee, the architects had recorded, described, and evaluated buildings of possible merit throughout the city. With the use of photographic slides, Mr. Hedman described the type of work which has been done by the architects. He then responded to questions raised by members of the Commission.

STATUS REPORT ON NEIGHBORHOOD CENTERS PROGRAM.

Carroll Williams, City Planning Coordinator, reported on this matter as follows:

"During the 1975 and 1976 Community Development Program Block Grant hearings, an overwhelming need was expressed by neighborhood groups and residents for additional multi-purpose neighborhood service centers. In response to this expressed need, \$1,000,000 was allocated in the 1975 Community Development Program, and \$500,000 in the 1976 program toward the acquisition, construction or rehabilitation of neighborhood service centers. Of this amount, the Board of Supervisors approved the expenditure of \$20,000 to contract with the consultant firms of Urban Management Consultants and Dukes-Dukes and Associates to conduct a comprehensive, systematic 'Inventory of Needs' study in order to (1) determine the needs in various neighborhoods for multi-purpose centers and to (2) rank neighborhoods according to relative need. The neighborhoods designated, by the study, as having the highest need (referred to as Priority A Communities), in alphabetical order, were Bernal Heights, Chinatown, Ingle-side, North of Market and South of Market.

"RECENT PROGRESS:

"The Department of City Planning (DCP) and the Mayor's Office of Community Development (OCD) went before the Board of Supervisors joint Finance and Planning, Housing and Development Committees on May 26, 1976 to request

their mandate to further investigate center development in the five Priority A communities and obtain the Supervisors endorsement of the five high need neighborhoods.

"The Joint Committees voted to table the matter until the Department of City Planning, the Mayor's Office of Community Development and the neighborhoods could demonstrate that Neighborhood Centers could be developed so as not to impose an additional or future financial burden on the 'City'.

"The Department of City Planning and the Office of Community Development as well as the neighborhoods are presently in the process of developing 'center packages' in the five Priority A neighborhoods for submission to the Board of Supervisors.

"OCD and DCP invited communities to organize Task Forces/Coalition made up of residents, service providers and consumers of services. The five Priority A neighborhoods have organized their Neighborhood Center Task Forces/Coalition and elected their officers.

"These Task Forces/Coalition will assist the DCP and OCD in the following:

- "1. Identifying service programs needed in the multi-purpose Neighborhood Center.
- "2. Identifying service providers to be located in the 'Center'. These service providers must demonstrate sufficient ability to meet long-term operation and maintenance cost of the facility in order to develop feasible center packages.
- "3. Identifying alternative site for new construction or existing sites for rehabilitation of buildings to serve as a multi-purpose Neighborhood Center.
- "4. Recommend or develop a local administrative and management structure to oversee operation, maintenance and administration of the facility.

"The Department of City Planning is meeting with the appropriate City agencies and organizations such as the Unified School District, S.F. Health Department (Community Health Centers Division), Libraries, Park and Recreation, S.F. Neighborhood Arts, Commission on Aging, Developmentally Disabled Centers, Community Design Center, S.F. Foundation, Y's, United Way and others to (1) determine if it is possible to utilize existing facilities (Libraries, Schools), (2) coordinate joint center development (Art Commission, Commission on Aging) where feasible, (3) request for technical assistance (Community Design Center), (4) determine the ability and willingness to locate their service(s) in the center, and (5) request their assistance in providing long term financial assistance to service providers and/or facility

operation. Many of these agencies are participating directly with the neighborhood Task Forces/Coalition in program development efforts.

"The Task Forces/Coalition, OCD and DCP are working together to select 'priority' service providers to locate in the multi-purpose Neighborhood Centers, to identify sites that fulfill the space needs of service providers, to determine the type of general community space to be utilized by the entire community (e.g., meeting hall, recreation area, kitchen, volunteer space).

"Service Providers Selection and Site Selection Guidelines have been established by the DCP and OCD and distributed to all NC Task Forces to plan the development of centers. Work Program and Time Schedules have also been distributed to all Task Forces. We anticipate completion of the preliminary planning of 'Centers' by mid October. At that time we will submit our recommended 'center packages' to the Board of Supervisors requesting them to release Community Development Neighborhood Center Funds toward acquisition, construction or rehabilitation of multi-purpose Neighborhood Center facilities."

Commissioner Starbuck asked what would be required to demonstrate to the Board of Supervisors that neighborhood centers could be developed so as not to impose an additional or future financial burden on the city. Ms. Williams replied that the joint committees of the Board of Supervisors had expressed a desire that organizations housed in the neighborhood centers be able to demonstrate a seven-year funding capability; however, since most of the organizations involved operate under annual appropriations, it was hoped that the members of the joint committee of the Board would modify their position.

President Lau asked if it would be possible to purchase sites for neighborhood centers in the high need areas with the amount of money available. Ms. Williams replied that additional funds will be requested from next year's Community Development Program. She indicated that property for the Chinatown neighborhood center is likely to be the most expensive.

Commissioner Finn asked if consideration had been given to providing space in the neighborhood centers for representatives of city departments and agencies. Ms. Williams replied that the primary purpose of the neighborhood centers would be to provide space for community service programs; however, the communities had requested that certain services provided by the Department of Social Services and the Department of Public Health be available in the neighborhood centers.

Commissioner Finn observed that the neighborhood centers would serve everyone better if they were designed to house as many service agencies as possible, including agencies of the city government.

STATUS REPORT ON PROTECTED RESIDENTIAL AREA PROGRAM.

Richard Gamble, Planner IV, reviewed the status of Protected Residential Area Programs for various neighborhoods of the City including the Excelsior, Noe Valley, Folsom Street in the Mission District, the Inner Richmond District, and the Jordan

Park area. Following the presentation, he responded to questions raised by members of the Commission.

Commissioner Bierman stated that she had been in the Richmond District earlier in the day; and she remarked that the barriers which had been installed make it extremely difficult to get around the neighborhood, particularly in view of the fact that no signs had been installed to warn motorists of the new impediments. Furthermore, she was concerned about the fact that through traffic is being diverted onto Fulton Street. She pointed out that Fulton Street is residential in character; and if the protected Residential Area Program turns Fulton Street into a "freeway route", she feared that plans for construction of the Panhandle Freeway would be revived.

Mr. Gamble acknowledged that Fulton Street is residential in character. However, he remarked that the street already carries a great amount of traffic; and he indicated that it had been designated as a major thoroughfare.

Commissioner Finn remarked that Fulton Street also carries transit vehicles; and he felt that additional automobile traffic on the street could impede transit vehicles. While he favored installation of devices to slow down the speed of traffic in residential neighborhoods, he questioned the desirability of diverting automobile traffic onto transit streets.

N. Arden Danekas, President of the Planning Association for the Richmond, read the following prepared statement:

"The Planning Association for the Richmond continues to support the Protected Neighborhood Plan now under construction in the Inner Richmond. We have asked the Mayor to allow construction to continue. Let's give it an 18-month trial. Then if enough people satisfy the city that they still do not want it, fine. But in the state of construction the plan is now, one can hardly leap to conclusions as to what it is supposed to do.

"After landscaping, the devices will be seen easily and will present a pleasing appearance.

"The plan is designed to eliminate the broad, straight-arrow street pattern that dominates the Richmond and invites speeders, drag-racing, and people who drive from one end of the Richmond to the other on residential streets. Main streets should be used for through traffic. Remember, people live in all those houses.

"Well in excess of 200,000 cars a day traverse Richmond District streets. The use of the streets grows by leaps and bounds every year. Just how far are we going to accommodate the automobile? Forever until we are all choked completely, or should we make an attempt now to limit it?

"PAR and the city, especially the Department of Public Works and the City Planning Department, have endlessly let people know what is happening by some of the broadest means of public involvement and public information possible. During the five-year planning process, very few came forth to object and fewer yet came forth to suggest modifications. Where were these complainers then?

"My checking with the offices of the various Supervisors and with the Mayor's office reveals that very few letters opposing the plan are from people residing in the affected area. Most of the letters--about 80% that I have seen--are from 'outsiders', people not living in that part of the Inner Richmond.

"This plan is city policy, as specifically affirmed by the Board of Supervisors through policy statements and specific legislative acts. It is also the policy of the City Planning Commission, who have endorsed the specifics of the project as well as given it the basic inspiration as a result of the Urban Design Plan."

Roger Bernhardt, a member of the Inner-Richmond Citizens Advisory Committee for the RAP Program, advised the Commission that the other members of his committee have supported the Protected Residential Area Program for the Inner Richmond District and that they continue to support the program; and he indicated that amenities are to be provided in conjunction with the program through use of RAP funds. The purpose of the Inner Richmond Protected Residential Area Project was to make the neighborhood unattractive for through traffic so that the residential quality of the area could be reserved. He acknowledged that the chain link fences and concrete which have been installed on Geary Boulevard are unattractive; but he believed that the new installations will be made more attractive by amenities which will be provided through RAP funds which are not yet available.

Commissioner Starbuck asked Mr. Bernhardt if he felt that a great deal of the opposition to the program was based on design considerations as opposed to functional concerns. Mr. Bernhardt replied that he had heard a number of people speak critically of the design of the new installations. In addition, people will need time to adjust to the new traffic pattern.

Commissioner Dearman stated that a friend of hers who lives in the Richmond District had indicated that she would probably like the new system once she has adjusted to it. She then suggested that it would probably have been wiser to coordinate the installation of landscaping with the installation of the new barriers.

Mr. Danekas stated that arrangements have been made so that landscaping could be installed at a later date without a great deal of extra expense.

President Lau asked if most of the opposition had been directed at the barriers which had been installed on Geary Boulevard. Mr. Gamble replied that a great deal of the opposition had been directed at those barriers; however, opposition had also been expressed regarding installations on residential streets. He remarked that temporary barricades presently surround the new installations; and, as a result, maneuverability can be quite difficult.

Rai Y. Okamoto, Director of Planning, remarked that the barriers which had been installed in the Richmond District are unattractive; and he believed that their unattractiveness might account for a great deal of the opposition which was being expressed. When landscaping has been installed, residents of the neighbor-

hood might find the installations to be more acceptable. He also suggested that it might be wise to lay out such installations in the future in a temporary fashion using sandbags so that residents of the area affected will have an opportunity to become acquainted with the new traffic pattern before permanent installations are made.

Commissioner Bierman felt that the Commission should hold a public hearing on the Inner Richmond Protected Residential Area Program before deciding whether to endorse completion of that program; and she indicated that she would be particularly interested in hearing from residents on Fulton Street.

Richard Hedman, Planner V-Urban Design, emphasized that the installations on the residential streets are more attractively designed than the installations on Geary Boulevard; and he felt that the landscaping which is contemplated will enhance the neighborhood, particularly in view of the fact that trees which will be planted in the street right-of-way will have a high degree visibility.

Commissioner Finn agreed that it would be desirable to hold a public hearing on the matter so that members of the Commission will be aware of the concerns of residents of the community.

Commissioner Bierman asked if installation of traffic barriers on Fulton Street had been considered. Mr. Danekas replied in the negative but indicated that people residing on Fulton Street had attended meetings where the Protected Residential Area Program for the Inner Mission District was being discussed.

President Lau stated that he was of the opinion that the Commission should hold a public hearing on the matter to determine why individuals who reside in the neighborhood are opposed to the program; however, he indicated that the only objections to the program that he personally had heard related to the installations on Geary Boulevard.

Commissioner Starbuck suggested that it might be preferable for the Commission to conduct a public hearing on the Protected Residential Area Program in general. President Lau stated that such a public hearing might be desirable in the future; however, he felt that a separate public hearing should be held in the Inner Richmond District to consider that specific program since the Board of Supervisors had raised the possibility of stopping that project.

Mr. Hedman remarked that individuals in opposition to the Inner Richmond program tend to be somewhat "hysterical"; and he felt that they should be given time to adjust to the program before a decision is made to abandon the project.

Commissioner Bierman stated that the fact that opponents of the program had been somewhat "hysterical" verifies that a problem does exist; and she felt that the issue ought to be discussed publicly in the neighborhood. She asked if the staff of the Department of City Planning had held public hearings on the Protected Residential Area Program for the Inner Richmond when that project was being formulated. Mr. Hedman replied in the negative.

Mr. Bernhardt felt that it would be preferable to complete the project as soon as possible and then hold public hearings after people have had an opportunity to experience the completed project.

After further discussion it was moved by Commissioner Bierman and seconded by Commissioner Finn that a public hearing on the Protected Residential Area Program for the Inner Richmond District be scheduled for Tuesday evening, July 27.

Commissioner Dearman, noting that the Board of Supervisors had transmitted a resolution to the Mayor which called for halting work on the project, suggested that the Commission should ask the Mayor to veto the resolution so that a final decision with respect to the project could be deferred until the public hearing has been held. Commissioners Bierman and Finn agreed to incorporate that suggestion into their motion and second.

When the question was called, the Commission voted unanimously to schedule a public hearing on the Protected Residential Area Program for the Inner Richmond District on Tuesday evening, July 27, and to request the Mayor to veto the resolution which had been sent to him by the Board of Supervisors relative to the project.

At 5:00 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 5:10 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Finn was absent from the meeting room for the remainder of the meeting.

REVIEW OF PROPOSED CABLE CAR SYSTEM SERVICE REDUCTION.

Jonathan Twichell, Transit Planner III, reported on this matter as follows:

"A Charter Amendment has been proposed that would remove the present freeze on the number of daily cable car trips and allow the Public Utilities Commission to set schedules. The San Francisco City Charter now provides that cable car service must be maintained at all times at the level of July 1, 1971. The new amendment proposal, the genesis of which seems to be a management audit report on the Municipal Railway presented to the Board of Supervisors by then budget analyst Walter Quinn on November 18, 1974, primarily asserts that the present cable car schedules (which are frozen at summer levels) should provide a lower level of service, more in keeping with lower demand, during the winter months. It is asserted that fewer cable car runs in the winter will lower Municipal Railway costs at little loss of revenue, since there is lowered winter demand, and further that since winter months have a higher accident rate, lower levels of service would also mean lower levels of accident claims.

"The new amendment proposal is objectionable for several reasons.

"The proposed mechanism for achieving the stated service reduction, that is removing the freeze on service levels and allowing scheduling control to pass to the Public Utilities Commission, while ostensibly aimed only at the immediate winter service reduction, reintroduces the threat of possible future abandonment of cable car service, clearly thwarting the intent of the majority of San Franciscans who supported the current Charter provision not so long ago.

"The philosophical thrust of the new amendment proposal is contrary to the City's Transit First policy and appears to imply that good transit service to the residents of San Francisco neighborhoods served by the cable car system is a secondary consideration and that anything less than the tourist-overcrowded summer condition of transit through these neighborhoods is somehow wasteful. Rather, the unfortunate reality is that few parts of San Francisco suffer from too much transit service and least of all the dense, closer-in neighborhoods 'served' by the cable car system.

"Moreover, the two primary assertions of the proposal -- that present cable car service is artificially frozen at high, summer levels and that a lowering of winter service levels would result in a lowering of accident rates -- appear to be erroneous.

"When the cable car schedules were frozen as of July 1, 1971, the schedules in effect at that time were the November 1970 winter schedules. So cable cars are already at lower winter levels.

"A cut in winter service is not likely to have a substantial effect on the accident rate because that rate is already low in winter. While national accident statistics rise in the winter months due to the effects of winter weather, cable car accident rates are highest in the summer, at least in part because of overcrowding. To the extent that less service leads to overcrowding in winter as well, service cuts might even increase accident claims.

"The desire for economy and efficiency in our Municipal Railway transit system is, of course, a foremost goal. But there are disturbing inconsistencies in the means chosen for pursuing that goal. For example, some of the significant long and short range costs attributable to the cable car system are directly related to inadequate maintenance. Yet, year after year the very basic funds needed for adequate cable car system maintenance have been eliminated from the City's budget.

"Instead of lowering service to decrease costs, the Department of City Planning proposes that means of increasing revenue be explored as an alternative. Since the cable car system is a visitor attraction, there are ways that visitors could provide that additional revenue. One way would be to charge a higher cash fare on cable cars, for example, 50 cents per ride. Muni Fastpasses would be honored, so a San Francisco

resident with a Fast pass would not be paying any more than at present. A revenue idea suggested by the Board of Supervisors' Citizen Advisory Panel on Transit Improvement is that a portion of the City's hotel tax fund be used to support cable car operations."

The Secretary called attention to letters which had been received from Norman Rolfe, Chairman of the Transportation Committee of San Francisco Tomorrow, and Mrs. Hans Klussman, Chairman of Cable Car Friends. Both letters indicated that cable car schedules had been the same both winter and summer at least since 1968. Mr. Rolfe's letter urged the Commission to oppose any cut-back in cable car service or any increase in cable car fares.

Commissioner Bierman remarked that some city residents may use Municipal Railway "fast passes"; but many do not. As a result, many citizens of San Francisco would be placed in a position of having to pay more to ride on the cable car if the cash fare were to be increased. She indicated that she would be opposed to an increase in cash fares for the cable cars.

Commissioner Dearman stated that she agreed with the comments which had been made by Commissioner Bierman.

President Lau observed that statistics would probably indicate that a greater number of residents of the city use the cable cars than tourists.

Commissioner Rosenblatt stated that he felt that the Commission should recommend that service be increased on the Powell Street cable car lines during the summer months to provide better service for local residents and tourists.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that the Commission express its opposition to the Charter amendment which would permit reduction in cable car service, that it recommend to the Board of Supervisors that cable car service be increased on the Powell Street lines during the summer months, and that the Commission express its opposition to any fare increase on the cable car lines.

URBAN DESIGN SLIDE SHOW #1.

Richard Hedman, Planner V-Urban Design, presented the slide show which he had prepared.

The meeting was adjourned at 5:50 p.m. in respect to the memory of Charles L. Turner, Administrative Aide to Assemblyman Willie Brown.

Respectfully submitted,

Lynn E. Pio
Secretary



SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held jointly with the Public Utilities Commission on Thursday, July 15, 1976, at 8:00 p.m. in the auditorium of the Retail Dry Clerks Union Local 1100 at 1345 Mission Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

Members of the Public Utilities Commission present at the meeting were: John F. Henning, Jr., President; and H. Welton Flynn and Lydia Larsen, members of the Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Alan Lubliner, City Planning Coordinator; Jonathan Twichell, Transit Planner III; and Lynn E. Pio, Secretary.

PUBLIC HEARING ON PROPOSED TRANSIT PREFERENTIAL PLAN FOR MISSION STREET
IN THE DOWNTOWN AREA.

Following the pledge of allegiance to the flag, Mr. Henning called on Curtis E. Green, General Manager of the Municipal Railway, who explained that the purpose of the proposed Transit Preferential Plan for Mission Street in the Downtown Area was to allow buses to run more reliably. He emphasized that Mission Street is one of the City's most heavily used transit streets; and he also indicated that the Mission corridor has an extremely high accident rate. In conclusion, he stated that it was hoped that the Transit Preferential Plan would improve Municipal Railway bus service while also reducing the accident factor.

Jonathan Twichell, Transit Planner III, summarized the background of the city's transit first policy and the development of a proposed transit preferential plan for Mission Street in the downtown area. He stated that the purpose of the plan was to improve transit service on Mission Street; but merchants along the street were concerned about the effect which the plan, as originally conceived, would have on the viability of their businesses. He indicated that there are approximately 140 businesses located on Mission Street between Beale and 11th Streets. Twenty of the businesses are automobile-oriented, including ten parking lots; and it was obvious that the proposed Transit Preferential Plan would have some negative effects on those businesses. Representatives of the staffs of the Department of City Planning and the Public Utilities Commission had met with some of the businessmen and their representatives; and, as a result, a revised plan had been developed which would not entail the use of traffic diverters. Mr. Twichell then outlined the modified plan, as follows:

- "1. Installation of peak period (only) curb lane exclusive transit lanes from 11th Street to 4th Street (except between 4th and 5th streets eastbound where the lane would be in effect all day).

- "2. Installation of all-day exclusive transit lanes from 4th Street to Beale Street (special design study to deal with right-turn congestion at 1st Street).
- "3. 'Metering' of traffic at 11th Street eastbound and Beale Street westbound, approaching intersections, to provide through bus lane and separate through auto lane.
- "4. Adjustment of traffic signal timing at 6th and 7th Streets to give more through time to Mission Street.
- "5. Installation of new Muni route information signs.
- "6. Provision of access between Howard Street and South Van Ness Avenue and installation of informational signing on cross streets near Mission Street to encourage downtown-bound through traffic to use Folsom Street.
- "7. Re instatement of four lanes of traffic."

Commissioner Starbuck asked if the recent city employee strike which had shut down Municipal Railway bus service had had any measurable effect on businesses on Mission Street. Mr. Twichell replied in the affirmative, indicating that the volume of business on Mission Street and in the downtown area in general had decreased significantly during the strike.

Commissioner Starbuck then asked if the sign at 11th and Mission Street requesting motorists to make a right turn has had any effect. Mr. Twichell replied that the sign has had little apparent effect.

Commissioner Dearman asked if it would be possible to adjust traffic lights on Mission Street to favor Mission Street instead of cross-traffic as an alternate to the Transit Preferential Plan which was being proposed. Mr. Twichell replied that it would be possible to adjust the timing of the traffic lights; however, if buses continue to be obstructed by private automobiles, the adjusted street light system would result in only a slight improvement in transit service.

A member of the audience remarked that the Transit Preferential Plan originally proposed would undermine businesses on Mission Street; and he stated that there would be no reason to come to the area by bus if all of the businesses should cease to exist. Furthermore, he did not understand why employees working for businessmen along the street should be required to make personal sacrifices in order to keep the Municipal Railway running.

Haig A. Harris, Jr., attorney for a number of merchants who operate businesses on Mission Street between 4th and 11th Streets, stated that his clients had been opposed to the original Transit Preferential Plan which had been proposed for Mission Street. However, as a result of an exchange of ideas between the merchants and members of the staff of the Department of City Planning and the Public

Utilities Commission, an alternate plan had been developed. He stated that more than forty businesses and approximately 400 employees would have been jeopardized by the original plan. However, the merchants were supportive of the revised plan which had been developed earlier in the day.

Edward Keil, representing property owners on Mission Street, concurred with the remarks which had been made by Mr. Harris and indicated that the modified plan would be acceptable to the property owners whom he represented.

Fred R. Stanford, representing Fred's Body Shop, stated that he had no objection to the modified plan since it would not divert automobile traffic from Mission Street.

C. R. Arnold, representing the San Francisco Bicycle Coalition, stated that the coalition had been concerned that the original plan would have diverted bicycles from Mission Street, also. In that regard, the modified plan appeared to be acceptable. Speaking personally, he indicated that he regretted that the original plan had been "shelved".

Norman Rolfe, representing San Francisco Tomorrow, stated that he felt that the original plan was superior to the modified plan. However, if the original plan were not to be implemented, he believed that exclusive bus lanes should be provided in each direction on Mission Street at the very minimum. He emphasized that business on Market Street has increased since that street was redesigned as a transit thoroughfare. He submitted a statement which he had prepared to present which reads as follows:

"I would like to review a little of transit. First - how it came about, what it is supposed to do. A few years ago people who were concerned about the livability of the city also observed that some of the things that were doing the most to destroy the livability of the city were the glut of automobiles in the streets and the constant chipping away of the city to accommodate more automobiles.

"It became apparent to all but the willfully blind that if the city was to be saved, the number of automobiles circulating in it must be reduced. In order to do this it would be necessary to offer alternatives. The best alternative is good public transportation. Public transportation has to be put in a better competitive position with respect to the automobile.

"One thing that would help do this is to give public transportation vehicles priority in traffic over automobiles. Thus was born the transit first policy. It was a realization that transit riders have some rights too, and that a motorist does not become a member of some privileged elite merely because he is at the controls of a machine.

"If transit is to come first, something else will not come first. This is not the first time that San Franciscans have refused to give first place to the automobile. Witness our numerous freeway fights. If you checked in-

to it, I wouldn't be surprised if you found that those who oppose transit first favor freeways.

"The original plan was intended to give preferential treatment to transit on Mission Street. It would do a great deal to improve the reliability and attractiveness of Mission Street transit. It will greatly benefit the 84,000 people who use it daily - far more, by the way than who travel down Mission Street by automobile. It will stem the tide of automobiles. It will also probably improve business for most establishments on Mission Street. I believe you will find that Market Street business improved when the street became more transit and pedestrian oriented than it was. If downtown merchants try to compete with suburban shopping centers by attracting automobiles, they are doomed to failure."

Charles Rozema, representing the Eureka Valley Promotion Association, emphasized that the city has adopted a "transit first" policy; and, in view of that policy, he felt that the modified plan for Mission Street would be quite inadequate. If merchants on Mission Street wish to compete with suburban shopping centers, he felt that they should be supportive of proposals to improve transit service on the street.

Maurice Kleybolt, representing CAP-TRANS, a citizens advisory committee on transit to the Board of Supervisors, stated that the alternate plan which had been described by Mr. Twichell had come as somewhat of a surprise; and, he indicated that he hoped that the Commission would continue to endorse the alternate proposal.

Walter Knox, representing Self Help for the Elderly, advised the Commission that he represented approximately 150,000 aging citizens who rely on public transportation. He stated that he is familiar with traffic congestion on Mission Street; and, while he would have preferred to have seen the original plan implemented, he expressed his willingness to support the alternate plan which had been proposed. While the alternate plan would not divert automobiles from Mission Street, it would give buses more leeway. He felt that it was important to take the first steps towards implementation of a "transit first" policy on Mission Street; and, therefore, he hoped that the alternate plan would be implemented.

James MacDougall, representing Friends of Noe Valley, stated that his organization had unanimously endorsed the original proposal for a Transit Preferential Program for Mission Street; however, they had not had an opportunity to consider the revised proposal.

Bob Glover, representing the San Francisco Planning and Urban Renewal (SPUR), stated that SPUR had endorsed the city's "transit first" policy; and he expressed his support for the modified plan for Mission Street as a first step towards implementation of the "transit first" policy.

James C. Dunn, owner of a business at 1275 Mission Street, stated that the alternate plan would be acceptable.

Larry Martin, representing Transport Workers Union Local 250A, stated that the revised plan had come as a surprise to him; and he advised the Commission that he was opposed to it. He remarked that one of the main problems on Mission Street is the high accident rate; and he believed that the alternate plan would result in more accidents. In his opinion, the original plan would create a safer situation; and he felt that it should be implemented.

Commissioner Henning asked the staff to comment on the remarks which had been made by Mr. Martin.

Mr. Twichell acknowledged that there is a high accident rate on Mission Street; and he indicated that the plan which had originally been proposed had the possibility of substantially reducing the number of accidents on the street. He believed that the modified plan would also reduce the accident rate but not to the same extent as the original plan.

Mr. Green stated that his personal preference was for the original plan; however, in view of the effect which that plan might have had on businesses on the street, he had been willing to compromise and to accept the modified plan.

Edward Lawson, representing the Chamber of Commerce, congratulated the staff of the Department of City Planning and the Public Utilities Commission for their willingness to accept the compromise plan which he felt would be quite workable.

Charna Staten indicated that she had been employed by the Department of City Planning when the original plan for Mission Street was prepared. She remarked that the plan had received a great deal of publicity at the time; and the staff had made every effort to notify all interested parties of the series of public meetings which were held to discuss the proposal. No opposition had been expressed at that time; and she continued to feel that the original plan had a great deal more to offer than the modified proposal.

Frank Clark, representing the Teamsters Automotive Employees Union Local 665, endorsed the modified proposal for Mission Street and expressed his appreciation to the joint Commissions and their staffs for giving consideration to the concerns of people who work in the area.

Michael Davis, a Municipal Railway driver on the Mission line, stated that he had been prepared to comment on the original Transit Preferential Plan which had been proposed for Mission Street. He had hoped that transit conditions could be improved on Mission Street; but he felt that the modified plan represented a complete "sell-out" to the automobile.

Chris Johansen, operator of a small business at 131 10th Street, emphasized that Mission Street is not a residential street; and, he felt that diversion of automobile traffic from the street would have a severe impact on businesses in the area. He expected that even the revised plan would tend to have a negative impact on the businesses; but he regarded it as a vast improvement over the plan which had originally been proposed.

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Douglas Boven, representing Goodyear Tire, asked if it would be possible under the modified plan for motorists to cross the "bus only" lane in order to make a left turn. Mr. Twichell replied in the affirmative.

Mycall Suni, 217 Clayton Street, felt that people spend too much of their personal time and energy taking care of their automobiles; and he advised the Commission that statistics had shown that there is a 20% decrease in motor efficiency during rush hours. He believed that transit should be encouraged; and he urged that a bicycle path be included in the plan for Mission Street.

Jack Oppenheimer, representing CAPTRANS, remarked that the present meeting was called for the purpose of discussing the original plan; and, in view of the fact that an alternate plan was discussed, he regarded the meeting as being "illegal". He felt that the attorneys for merchants on Mission Street had "made a deal" with the staffs of the joint Commissions; and he believed that the results were not in the best interests of transit riders and the general citizenry of the city. Under the circumstances, he urged that no action be taken on the alternate proposal during the course of the present meeting.

At 9:35 p.m. President Henning announced a 25 minute recess. The Commission reconvened at 10:00 p.m. and proceeded with the hearing.

Commissioner Henning, noting that Mr. Oppenheimer had taken the position that the present meeting was "illegal", asked George Baglin of the City Attorney's office, who was present in the audience, if the notice of the meeting which had been given was sufficient to guarantee that the meeting was legal. Mr. Baglin replied in the affirmative.

Mr. Oppenheimer stated that he could see no reason for inviting citizens to attend public meetings if the items calendered for consideration are not to be discussed.

Commissioner Bierman stated that she regarded the meeting as a legal proceeding. However, she felt that the staff had made a mistake in not posting the original as well as the alternate plan on the wall of the meeting room for public review. She advised the audience that the City Planning Commission had previously reviewed the original proposal; and, while she favored the original plan to a certain extent, she felt that it was important that the city should be able to proceed with some type of transit preferential plan for Mission Street so that the money will not be used for some other purpose.

Mr. Harris stated that he took offense to Mr. Oppenheimer's inference that he had worked out some sort of deal with the staffs of the joint Commissions. He stated that he had been approached by representatives of the two staffs who wished to hear what suggestions he had to offer; and he was pleased that the staff representatives had been willing to accept a compromise proposal.

Mr. Green remarked that the Board of Supervisors had instructed his staff to discuss the proposed plan with the businessmen who would be affected by it; and the staff had entered those discussions with a willingness to compromise.

He assured the members of the joint Commissions that he had not been involved in any "back-door deal".

Mr. Martin observed that two years had been spent in formulating the original Transit Preferential Plan for Mission Street while the alternate plan had been conceived in one day. He felt that there were a number of questions which needed to be answered regarding the alternate plan; and he indicated that one of the most obvious questions was how three lanes of traffic could be accommodated in each direction on Mission Street given the width of the street and the width of the vehicles which would be using the street.

Commissioner Henning observed that the alternate plan would be initiated on an experimental basis; and, if problems should arise, corrective changes could be made.

A bus driver who was present in the audience advised the Commissioners that bus drivers lose pay whenever they have an accident; and, if an experimental plan were put into effect with insufficiently wide traffic lanes, the bus drivers would be forced to pay for the experiment.

Mr. Oppenheimer felt that the joint Commissions should have been receptive to comments concerning the original plan since the meeting was called for that purpose.

Commissioner Henning stated that no action would be taken on the proposal by the Public Utilities Commission during the present meeting since only three of the five members of the Commission were present.

Commissioner Bierman moved that the City Planning Commission take the matter under advisement until its Regular Meeting on Thursday, July 22 and that the Board of Supervisors be requested to keep funds for transit preferential treatment on Mission Street available until a final decision is made on the project.

The motion was seconded by Commissioner Starbuck. He agreed with members of the audience who had protested the nature of the meeting and indicated that he felt that due process had been violated insofar as the public and members of the joint Commissions were not aware of the alternate proposal prior to the meeting. He remarked that speakers had been interrupted and that they had not been allowed to give testimony concerning the original proposal; and he remarked that he had not seen people or groups treated so shabbily since he had been on the Commission. Under the circumstances, he felt that it was imperative that the City Planning Commission should give further consideration to this matter at a subsequent meeting. He also requested that the details of the alternate plan be more fully developed prior to the next meeting.

When the question was called, the members of the City Planning Commission voted unanimously to take this matter under advisement until its Regular meeting on Thursday, July 22, and to request the Board of Supervisors not to rescind its

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appropriation of funds for the transit preferential plan for Mission Street until the details of the revised plan can be refined.

Subsequently, it was moved by Commissioner Flynn, seconded by Commissioner Larsen, and carried unanimously that the Public Utilities Commission take this matter under advisement until its regular meeting on Tuesday, July 20, 1976, and that it join the City Planning Commission in requesting the Board of Supervisors not to rescind its appropriation of funds for the transit preferential plan for Mission Street until details of the revised plan can be refined.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular meeting held Thursday, July 22, 1976.

The City Planning Commission met pursuant to notice on Thursday, July 22, 1976, at 1:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Ina F. Dearman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Selma Bendix, Environmental Review Officer; Janis Birkeland, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Jonathan Twichell, Transit Planner III; Dave Fulton, Planner II, Douglas Holmen, Planner II; Robin Jones, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Ivan Sharpe represented the San Francisco Examiner; Dan Borsuk represented the San Francisco Progress; and Mel Wax represented Television Station KQED.

APPROVAL OF MINUTES

The Secretary made note of clerical errors in the minutes up for approval and indicated that they would be corrected. It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of June 17, 1976, be approved with the corrections to be made by the Secretary.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of the Special Meeting scheduled for next Tuesday evening, July 27, at 7:30 p.m. in the Parish Hall of the Zion Lutheran Church, 495 - 9th Avenue at Anza Street, at which time a public hearing will be held on the Protected Residential Area Program for the Inner Richmond District.

The Director noted that a field trip will be scheduled at 1:00 p.m. next Thursday, July 29, to visit properties which will be considered by the Commission during September.

The Director reported that the Northern Waterfront Planning Advisory Committee was scheduled to hold its next meeting on Friday morning, July 23, at 9:00 a.m.

The Director requested that a meeting of the Implementation Committee (Commissioners Starbuck, Bierman, Dearman) be scheduled at 12:00 noon next Tuesday, July 27, to discuss discretionary review procedures.

The Director reported that the proposed Tree Ordinance had been approved by the Planning, Housing & Development Committee of the Board of Supervisors last Tuesday for a one year period. The proposed ordinance will be considered by the full Board of Supervisors at its meeting next Monday.

Commissioner Rosenblatt stated that he had attended a meeting of the Legislative & Personnel Committee of the Board of Supervisors on Tuesday at which time a proposed Charter Amendment was discussed which would specify that more money from the Open Space & Park Renovation Fund should be used for renovation. The authors of the measure indicated that they had not understood that a percentage of money from the fund is presently allocated for renovation; and they indicated their intention to table the motion providing that letters are received from the Recreation and Park Department and the City Attorney clarifying the fact that money from the funds is being allocated for renovation.

The Director advised the Commission that the Mayor's office is holding the Department's request for a supplemental appropriation in the amount of \$20,000 for mailing of notices to owners of property which will be affected by zoning changes resulting from the Residential Zoning Study until such time as the Board of Supervisors takes final action on the proposed amendment to the City Planning Code which, if approved, would delete the requirement for mailed notice.

The Director reported that he had met with representatives of the Mission Planning Council during the week and had toured their neighborhood with them. He also indicated that he had joined the Mayor and other department heads in a meeting with an ad hoc committee of the Residential Builders Association on Monday evening.

STATUS REPORT ON IMPLEMENTATION OF PENINSULA TRANSIT POLICY.

Dave Fulton, Planner II, advised the Commission that the Board of Supervisors, on the recommendation of the City Planning Commission, had adopted a resolution on March 2, 1976, setting forth the following criteria to be used to evaluate Peninsula transit expansion:

"1. Pursuant to the overriding regional interest of achieving one integrated transit system, any expansion alternative considered should be compatible with existing regional transit.

"2. Peninsula transit expansion should provide uninterrupted service without necessity of transfer from the Peninsula to downtown San Francisco.

"3. Any extension alternative considered should provide uninterrupted service, without necessity of transfer, between downtown San Francisco and the San Francisco International Airport.

"4. Any extension alternative considered should serve San Franciscans who commute to jobs outside of San Francisco.

"5. Any alternative considered should serve destinations in San Francisco outside the downtown area.

"6. Route alignment and stop locations of any alternative considered should be in areas of highest population density in San Mateo County.

"7. Wherever possible, Intra-Peninsula transit vehicles should avoid travel on San Francisco streets and the transit route should follow freeways and exclusive rights-of-way.

"8. Park-and-ride facilities beyond those already committed should not be developed at existing BART stations in San Francisco and Daly City, and future park-and-ride facilities should be limited in favor of the development of effective local bus service.

"9. No transit system should be connected to the Daly City BART line without:

"(a) those being served by Peninsula transit expansion participating equitably in the capital costs of BART incurred to date, and in the future capital costs; and

"(b) those being served by Peninsula transit expansion participating in the ongoing operating deficit of BART on an equitable basis with the present BART members.

"10. The financial formula of any transit developed along the Peninsula to downtown San Francisco should give credit to San Francisco for its already sizable financial commitment to regional transit."

Subsequently, the Board of Supervisors had recommended that the favored long-range plan for Peninsula transit would be an extension of BART from the Daly City Station to the San Francisco International Airport. However, as an interim alternative, the Board has suggested that San Mateo County should develop bus service with destinations inside San Francisco. Despite those recommendations, San Mateo County thus far appears to favor bus connections with the Daly City BART Station. Meanwhile, the Metropolitan Transportation Commission is engaged in a \$350,000 study of various alternatives for expanding transit on the Peninsula.

Mr. Fulton also advised the Commission that the Southern Pacific Railroad is currently seeking a 111% increase from the California Public Utilities Commission; and he recommended that a resolution with the following resolves be adopted by the Commission:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby oppose Southern Pacific Railroad's pending fare increase application before the California Public Utilities Commission and does further express its opposition to any fare increase that is not tied to specific and commensurate improvements in passenger service;

"BE IT FURTHER RESOLVED, That the City Planning Commission expresses its support for the upgrading of Southern Pacific Railroad's commute service as part of a Peninsula transit system which includes BART to the airport and buses between the Peninsula and downtown San Francisco, such upgrading to include improved bus feeder service to all stations on the line and such other improvements in the scheduling of trains, dissemination of information and maintenance of equipment that may increase Southern Pacific Railroad's patronage;

"BE IT FURTHER RESOLVED, That this resolution be forwarded to the Board of Supervisors so that it may consider adoption of a policy on this matter."

Commissioner Bierman asked if the staff of the Department of City Planning had encouraged citizen participation in the formulation of policies for transit service on the Peninsula. Mr. Fulton replied in the negative but indicated that the Peninsula Transit Study does have a citizens advisory committee. He stated that the staff did intend to try to contact people who live in San Francisco in the vicinity of the Daly City BART Station because they will be most directly affected by any Peninsula bus service which transports people to that BART Station.

Commissioner Starbuck inquired about the staff's reaction to the shuttle service which is being provided between the Daly City BART Station and the San Francisco International Airport. Mr. Fulton replied that the staff would probably have been supportive of a direct shuttle between the two points; however, the service which has been instituted also makes a stop at the Tanforan Shopping Center.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution expressing opposition to Southern Pacific Railroad's impending fare increase be adopted as City Planning Commission Resolution No. 7527.

At 2:25 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 2:35 p.m. and proceeded with hearing of the remainder of the agenda.

EE75.198 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR SAN FRANCISCO EXECUTIVE PARK, CANDLESTICK COVE: OFFICE PARK WITH HOTEL AND ACCESSORY COMMERCIAL USES.

Douglas Holmen, Planner II, summarized the report and responded to questions raised by members of the Commission. He also read extracts from letters which had been received from State and Bay Area agencies offering suggestions for modification of the Draft Environmental Impact Report.

The Commission then received comments from members of the audience including Joseph Brajkovich, 280 Tocoloma Avenue; Clarence Fleming, 117 Gillette Avenue and President of the Little Hollywood Improvement Association; Henry Schindel, operator of a business in Visitacion Valley; Goldie Judge, representing the All-People's Coalition; Oscar James, representing the Bayview Hunters Point Coordinating Council; Oceola Washington, coordinator for the Bayview Hunters Point Senior Citizens, Inc.; Roland Wharton, Vice President of the Visitacion Valley Merchants Association; Eloise Westbrook, a resident of the Hunters Point neighborhood; Calvin Hayes, Project Director of the Bayview Hunters Point Affirmative Action Program; L. P. Lewis, Acting Director of the Bayview Hunters Point Non-profit Development Corporation; Ethyl Garlington, 30 Maddux Avenue; George P. Yerby, the developer; Donald Goodrich, traffic consultant to the developer; and Piero Patri, representing the firm Whisler-Patri which had authored the preliminary Draft Environment Impact Report.

At the conclusion of the hearing, Rai Y. Okamoto, Director of Planning, recommended that this matter be taken under advisement until a special meeting to be held on Thursday, August 12, at 7:30 p.m. in Room 282, City Hall. He also recommended that the zoning application (ZM76.3) which had been filed by the developer to be taken under advisement until the same meeting.

It was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that consideration of the Draft Environmental Impact Report as well as the zoning application be taken under advisement until a special meeting to be held on Thursday, August 12, 1976, at 7:30 p.m. in Room 282, City Hall.

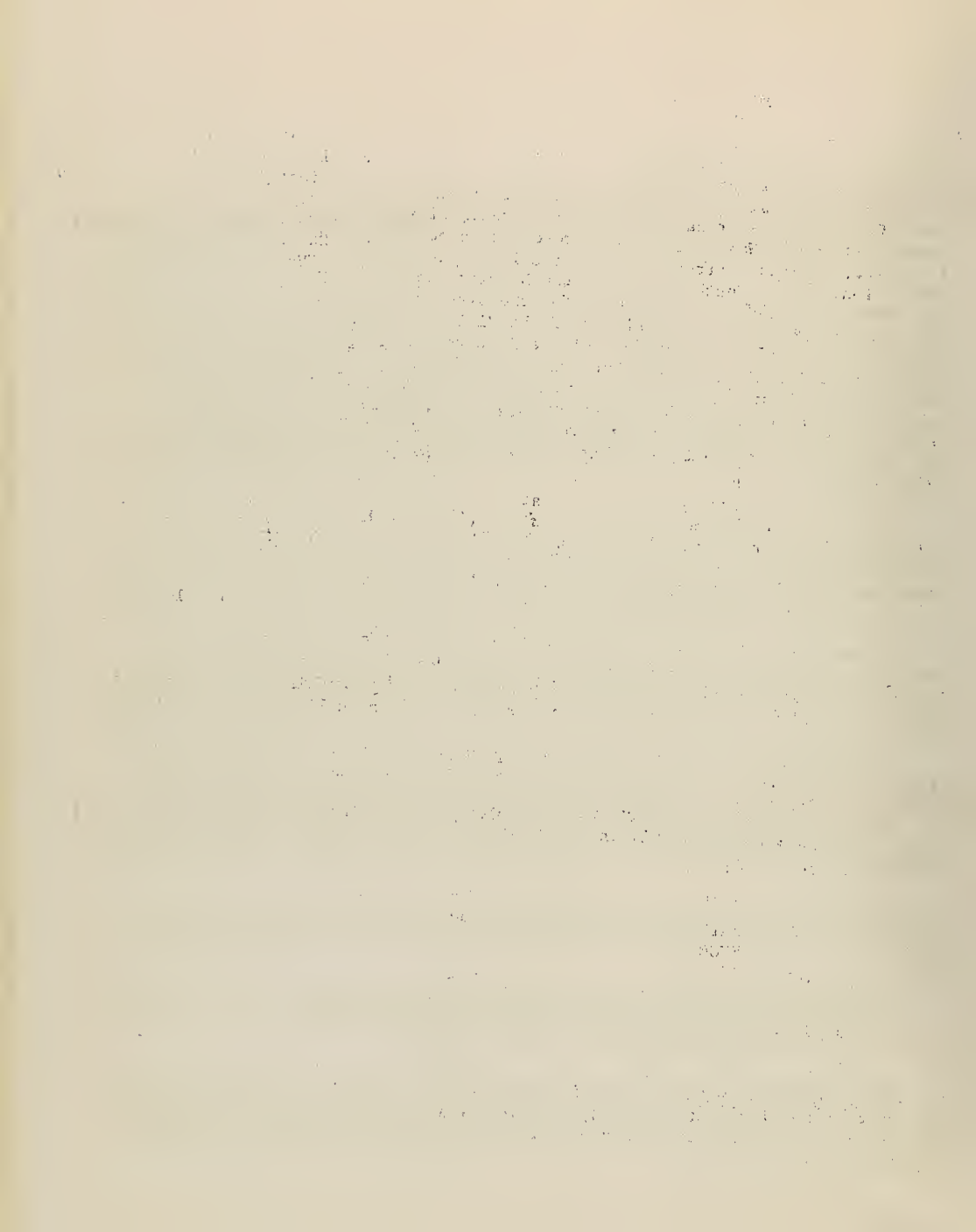
A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

Frederic R. Tooker, a court reporter, was present and will provide a transcript of the meeting which will also be available in the files of the Department of City Planning.

At 4:00 p.m. President Lai announced a 15-minute recess. The Commission reconvened at 4:15 p.m. and proceeded with the hearing of the remainder of the agenda.

CONSIDERATION OF LOCATION AND DEVELOPMENT GUIDELINES FOR FAST FOOD FACILITIES, CONVENIENCE STORES, AND SIMILAR QUICK-STOP ESTABLISHMENTS.
(Under Advisement from Meeting of July 1, 1976.)

Rai Y. Okamoto, Director of Planning, recommended that this matter be continued under advisement until the meeting of August 12, 1976. After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Mellon, and carried unanimously that this matter be continued under advisement until the meeting of August 12, 1976.



CONSIDERATION OF PROPOSED TRANSIT PREFERENTIAL PLAN FOR MISSION STREET
IN THE DOWNTOWN AREA.

(Under Advisement from Special Meeting of July 15, 1976.)

Jonathan Twichell, Transit Planner III, noted that a public hearing had been held on this matter during a special meeting which had been held on Thursday evening, July 15. During the course of that meeting, he had presented an alternate proposal for Transit Preferential Treatment of Mission Street which had later been endorsed by merchants and property owners along the street. He then summarized the basic characteristics of the revised program. He remarked that the revised program would be easy to install and would be easy to change if problems should develop. He also advised the Commission that recent traffic studies which had been undertaken by the Department of Public Works show that there is very little through traffic on Mission Street; and, as a result, the proposed project should not unduly inconvenience motorists. He stated that Supervisor Barbagelata had been informed of the alternate proposal; and he had requested that funds for the project not be rescinded.

Commissioner Starbuck, noting that the "bus-only" lanes which have been established on Post and Sutter Streets do not appear to be very effective, asked Mr. Twichell if he felt that the proposed "bus-only" lanes on Mission Street would have a greater degree of effectiveness. Mr. Twichell replied that statistics indicate that there is a 10% violation of striped "bus-only" lanes and only a 1% violation of "bus-only" lanes which have physical barriers; and he remarked that the project proposed for Mission Street could be incrementally improved.

Commissioner Starbuck asked if the staff had considered the possibility of proposing that a traffic diverter be installed at Beale Street or fourth Street. Mr. Twichell replied that merchants in the area would probably object to a diverter in that area just as merchants at the other end of the street had opposed diverters which had been proposed in their area.

Commissioner Starbuck then asked if the staff had analysed the possible impact of Yerba Buena Center on traffic on Mission Street. Mr. Twichell replied that it was the understanding of the staff that Yerba Buena Project would not have access from Mission Street.

George A. Williams, Assistant Director-Plans and Programs, stated the Mayor's Select Committee on Yerba Buena Center had endorsed the concept of the "transit-first" policy on Mission Street.

Commissioner Finn inquired about the cost of installing the alternate project on Mission Street. Mr. Twichell replied that the Department of Public Works felt that the striping of the street could be accomplished at a cost of approximately \$5000.

John Eberling, representing CAPTRANS, stated that his committee had officially endorsed the original plan for Transit Preferential Treatment of Mission Street. He questioned the feasibility of providing six traffic lanes on Mission Street and

believed that lanes with a width of only nine and a half feet would be too narrow for buses. Furthermore, he did not feel that the curb lanes should be used as a "bus-only" lane since that lane tends to be the most congested. He acknowledged that traffic diverters, as called for in the original plan, may not be necessary on Mission Street; but he felt that the staff should consider the possibility of providing a "bus-only" lane for the entire length of the street.

Rai Y. Okamoto, Director of Planning, noting that the Streets and Transportation Committee of the Board of Supervisors is not scheduled to consider the proposed plan for Mission Street until August 26, suggested that the Commission defer action on the matter so that the staff would have an opportunity to review and refine the revised plan and consider alternate possibilities.

Haig Harris, attorney for merchants doing business on Mission Street between 4th and 11th Streets, commended the staffs of the Department of City Planning and the Municipal Railway for their willingness to consider alternate methods for Transit Preferential Treatment of Mission Street. He stated that his clients had approved the plan which had been described by Mr. Twichell at the beginning of the meeting; and, if any changes were to be made in that plan, he felt that his client should be given an opportunity to review them. He emphasized that striping of the street could be accomplished with an expenditure of \$5000 and that an additional \$5000 would provide directional signs; and, unlike the plan which had originally been proposed, changes could easily be made in the proposed program if problems should arise. He urged the Commission to take a position regarding the revised proposal before the matter is considered by the Streets and Transportation Committee of the Board of Supervisors.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that this matter be continued under advisement until the meeting of August 5, 1976.

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

- SAN FRANCISCO
- CITY PLANNING COMMISSION

Minutes of the Special Meeting held Tuesday, July 27, 1976.

The City Planning Commission met pursuant to notice on Tuesday, July 27, 1976, at 7:30 P.M. at the Zion Lutheran Church at 9th Avenue and Anza Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Richard Hedman, Planner V-Urban Design; Richard Gamble, Planner IV; Alec Bash, City Planning Coordinator; and Lynn E. Pio, Secretary.

PUBLIC HEARING ON PROTECTED RESIDENTIAL PROGRAM IN THE INNER RICHMOND DISTRICT.

Richard Hedman, Planner V-Urban Design, summarized the planning history of the Protected Residential Area Program which had resulted in the installation of automobile diverters and barriers on streets in the Inner Richmond district.

President Lau then invited members of the audience to address the Commission on this matter.

Morris Evenson, 583 10th Avenue and a representative of the Painters Union, stated that his union had taken a position in opposition to the barriers at the request of one of their members who lives in the Richmond district. He indicated that the barriers reminded him of something which might have been installed on city streets in Nazi Germany. He advised the Commission that he had attended meetings of the Planning Association for the Richmond, the organization which had proposed the program; and he did not feel that there was much community representation in that organization. He believed that installation of the barriers on Anza and Cabrillo Streets would ultimately turn Fulton Street into a "freeway". At the same time, the barriers would eliminate parking spaces in the neighborhood and would have a detrimental effect on businesses in the area.

Arden Danekas, representing the Planning Association for the Richmond, stated that his organization has a membership of 950 individuals. The organization had been instrumental in having stop signs installed along Lake Street; and it had done a great deal of work in putting together the proposal for the Protected Residential Area Program in the Inner Richmond district. He advised the Commission that every residence in the Inner Richmond district had received at least four pieces of literature pertaining to the proposed project. Between 40 and 50 meetings had been held by his organization to discuss the project; and those meetings were open to the public. In addition, at least 15 public hearings had been held by various agencies in City Hall to discuss the proposal. Under the circumstances,

he found it difficult to understand how residents of the area could claim that they had been surprised when work had begun on installation of the barriers. Since resistance from the audience made it difficult for Mr. Danekas to proceed with his oral presentation, he submitted a written statement to the Commission for its review. The statement is available in the files of the Department of City Planning for review.

Edward Lawson, 469 14th Avenue, stated that he serves as a planner for the Chamber of Commerce; and he indicated that he had received numerous complaints regarding the installation of the barriers both at his office and at his home. He advised the Commission that the Chamber of Commerce was opposed to the installation of the barriers because of the detrimental effect which they will have on the neighborhood. He remarked that the business community and residential property owners share in providing the city's tax base; and he felt that both segments of the community would be opposed to wasteful and extravagant use of public funds as reflected in the project which had been undertaken in the Inner Richmond district. He also believed that the barriers would have a negative effect on businesses in the neighborhood; and he remarked that representatives of the business community had had no input in the preparation of plans for the project. From a personal point of view, he found the barriers to be inconvenient insofar as they cause him to travel greater distances to arrive at his destination. Since it is no longer possible for motorists to take the most direct route through the Inner Richmond district, traffic in the area has doubled. He believed that the Protected Residential Area Plan had been devised by people who probably do not reside within the city; and, in any case, the designers of the project had shown no sympathy for the subject neighborhood. From a professional point of view, he regarded the plan as a "disaster". From a design, as well as from a safety view point, the plan "stinks"; and he felt that the barriers should be removed immediately by executive order of the Mayor. He stated that he had called the Director of Public Works to request that the barriers be removed and had been met with a refusal. Subsequently, he had brought the issue to the attention of Supervisor Barbagelata who had introduced a resolution requiring that work on the project be halted until a survey could be made of residents of the area. After that resolution had been passed by the Board of Supervisors, the City Planning Commission had voted to request the Mayor to veto it; and he felt that the Commission owed an explanation for its action to the people who were present in the audience. He acknowledged that printed material describing the project had been distributed throughout the neighborhood in January, 1974; but he remarked that the scale of the maps within that document had been so small that it would have been impossible for residents of the area to comprehend what was really being proposed. When the official hearing on the project had been in City Hall, only 30 people were present. Twenty-eight of those people "voted" on the project; and the result was 12 in favor and 16 opposed. In view of the present overwhelming opposition to the project, he felt that the Commission should recognize that an organization such as the Planning Association for the Richmond, which purports to represent the entire neighborhood, actually represents only its active members. He recommended that every last trace of the barriers be removed from the Inner Richmond district as soon as possible, that other similar projects in neighborhoods such as Jordan Park be abandoned, and that all references to street barriers be removed from the Urban Design Element of the

Master Plan. He also felt that there should be an "investigation" of the members of the staff of the Department of City Planning who had been involved in the project. In conclusion, he urged the Commission to act on his recommendations immediately.

Mrs. Vi Gotelli, 433 Airport Boulevard, remarked that the Planning Association for the Richmond had promoted the project on the theory that families are leaving San Francisco because of traffic problems in the city; and she remarked that the real reason that people are leaving San Francisco is because of the high crime rate in the city. She stated that she had obtained a copy of a letter which had been written by the Chief of the Fire Department to the City Engineer remarking on the dangers inherent in the barriers which were being installed; and she submitted a copy of that letter for review by the Commission. While the staff of the Department of City Planning had indicated that trees would be installed in the traffic islands, she remarked that the trees would not be indigenous to the area and would be difficult to maintain.

Joseph Scannell, Assistant Chief of the San Francisco Fire Department, read and submitted the following letter which had been prepared by Andrew C. Casper, Chief of the Department:

"It is the policy of the San Francisco Fire Department to raise strong objections to any obstructions that will hamper our ability to respond to any area and reduce the necessary level of fire protection service. We must have complete maneuverability at intersections so as to make optimum use of the hydrants available in the area. Also, we must have additional maneuverability for access room and placement of aerial ladders during extremely hazardous rescue operations.

"I have met with Mayor Moscone and Director of Public Works, Myron Tatarian on this very serious matter. Through this intervention by the Mayor, an agreement was reached whereby the traffic islands on 3rd, 4th, 7th, 8th and 11th Avenues and Geary Boulevard will be reduced by five feet in length.

"Further, it was agreed to cut the size of the concrete stars on Anza and Cabrillo Streets at 3rd, 7th and 11th Avenues. These modifications will result in reducing the widest sections of the stars from 11 feet down to 6 feet. The narrowest portions will be brought down in size from 6 feet to 1-½ feet. The overall effect of these actions will result in the return of the clearances needed for the Fire Department to operate efficiently at the subject locations.

"The Fire Department cannot adopt a posture that indicates a positive or negative opinion concerning the Inner Richmond Plan. However, it very definitely urges that it be kept abreast of any such future plans or changes. In the past, the Department was only consulted during preliminary planning and not during the final development planning."

Patrick J. Walsh, 524 4th Avenue, represented the Rossi Park Protective Association. He advised the Commission that the members of his organization were opposed to the traffic barriers because the barriers hamper emergency vehicles and pose a hazard to the men on fire trucks. He indicated that his association would continue to fight the barriers even if they were required to go to court.

Charlotte Elam, also representing the Rossi Park Protective Association, stated that she had obtained 870 signatures in opposition to the barriers from the residents of the neighborhood in which they had been installed. She advised the Commission that 20 barriers had already been installed on Anza Street; and it appeared that 12 additional barriers had been planned along the street. Those barriers would result in the removal of a considerable number of parking spaces along the street.

Joanne Devine, 560 7th Avenue, read the following statement:

"I have lived in San Francisco for only one year but I have been unhappily impressed with the way people have taken a second place to cars. Pedestrians have a very hard time getting from home to bus stops or shopping. Drivers ignore people standing in crosswalks, and other, equally inconsiderate drivers park their cars on the sidewalk, forcing pedestrians in the street.

"When the construction started for the diverters, I was delighted. It signalled a change of priority, at least, on the municipal level. People were being invited to cross safely and cars were being forced to slow down to the legal limit.

"As an example the traffic islands on Geary have given that thoroughfare the status of expressway which indeed it is, limiting access and providing safety islands for pedestrians waiting to cross. Anyone who has crossed Geary Street recently on foot can appreciate the improvement.

"It will take a while to get used to the diverters, but in the meantime we pedestrians know that we can shop and enjoy the Inner Richmond with a margin of safety we haven't had before."

Vivian Hendrix, President of the Clement Street Merchants Association, felt that the barriers were detrimental to the neighborhood; and she questioned why they had ever been proposed. While the staff had indicated that landscaping would be installed in the traffic islands, she remarked that it was her understanding that no funds were available for the landscaping; and, in any case, plants would not make the barriers safer. She stated that she had seen children playing in the diverters; and she felt that that was an extremely dangerous situation. She also remarked that the traffic diverters would inevitably increase the amount of traffic using other streets in the area. In conclusion, she stated that the Commission should heed the advice of residents of the neighborhood instead of listening to representatives of the Planning Association for the Richmond.

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Omar Mohammad, 701 11th Avenue, stated that he had not been aware of any accidents on Cabrillo Street or on the avenues which cross the street in the vicinity of his home; yet, since the barriers had been installed, six accidents had occurred in the area, one of them involving his own automobile. The barriers have caused parking problems; and, as a result, they have hurt his business. One of the arguments offered in support of the barriers was that they would make the neighborhood safer for children to play in; but he felt that they would be safer if they were to play in the park.

Al Bartal, 621 9th Avenue, stated that his home is located only three blocks away from the church in which the public hearing was being held; yet, because of the barriers, he had had to travel six blocks between the two points. He also objected to the barriers because they have resulted in the removal of a large number of on-street parking spaces. He suggested that the public hearing should be discontinued and that the Commission should act immediately to recommend that the barriers be removed.

William Mooney, 735 Balboa Street, remarked that the barriers cause motorists to drive twice as far as in the past; and, as a result, there is more than twice the amount of traffic on the streets of the neighborhood.

Ilse Wolff, 1150 Cabrillo Street, stated that she was primarily concerned about the barriers in the vicinity of her home.

J. J. Doyle, 400 Montgomery Street, stated that he was an attorney who represented clients who live in the subject neighborhood. He indicated that he had already sent letters to the City declaring that the barriers in the Inner Richmond district are hazardous; and no department other than the Fire Department had responded to his letters. He advised the Commission that people have recovered damages because of accidents caused by traffic barriers installed by other jurisdictions; and, if the barriers continue to exist in the Inner Richmond district, he believed that the members of the Commission would ultimately be named co-defendants in a law-suit. In fact, his clients had instructed him to advise the Commission that they intend to file a suit if the barriers are not removed. In the response which he had received from the Chief of the Fire Department, the Chief had indicated that he had not been aware that traffic islands were being planned for the Inner Richmond district which would restrict the maneuverability of Fire Department vehicles.

Mrs. Meesley, a resident of the neighborhood, felt that a public hearing similar to the one presently in progress should have been held prior to the installation of the barriers. She also remarked that a barrier which had been installed in front of her house had eliminated two parking spaces.

Col. M.M. Montgomery, 69 Rossi Avenue, stated that he was disappointed that the Mayor was not present to hear residents of the area express themselves in opposition to the barriers. He urged that they be removed.

A. L. Maunupau, 829 Arguello Boulevard, expressed his support for the Protected Residential Area Program. He remarked that the Fire Department is a part of the city government; and if that department had concerns regarding the barriers, he felt that it should have been more involved in the planning process. In any case, it appeared that the Fire Department had been satisfied by the modifications which had been made in the size and shape of the barriers. In conclusion, he stated that he regarded the objective of the program to be improved safety in the neighborhood.

Melinda Wintzell, 1153 Guerrero Street, represented the Mission Planning Council. She stated that the Mission district has serious traffic problems; and she believed that Protected Residential Area Projects such as the one which has been installed on Byrant Street would improve the quality of the residential environment in the Mission district. While she felt that it was the prerogative of the residents of the Inner Richmond district to decide that they did not wish to have traffic barriers in their neighborhood, she hoped that the Protected Residential Area Program would not be scuttled on a city-wide basis.

Marie Poitz, 1024 Anza Street, remarked that fire trucks have to slow to five miles per hour to maneuver the barricades which have been installed; and that was an indication to her that the project had been poorly designed. Furthermore, the barriers had originally been described on the streets in chalk; and, if one of the chalk barriers had been installed, it would have blocked an entrance to a garage. Based on those specific instances, she expected that other mistakes had been made in preparation of the plans, also. She acknowledged that she had been shown maps of the proposal while the project was being planned; but she had not been able to visualize how horrible the barriers would be when they were cast in concrete. Furthermore, many plans are made and many fail to materialize; and she had never expected that the barriers would be installed in a permanent fashion.

Mrs. Rodetsky, 165 Stanyan Street, stated that the barriers do not divert traffic but rather impact it. Personally, she objected to the expenditure of \$187,000 of tax-payers' money for such a project, especially when plans for the project had not been approved by the Fire and Police Departments. She remarked that Mr. Danekas of the Planning Association for the Richmond does not live in the area affected by the barriers; and she questioned who would pay for accidents which the barriers will cause. Because of installation of the barriers had resulted in the loss of a number of parking spaces, shoppers would be discouraged from coming to the neighborhood; and, as a result, businesses in the area would suffer. In effect, the barrier system is a reflection of the "walled city" concept; and she was opposed to it. She estimated that 40% of the staff of the Department of City Planning lives outside of the city; and she indicated that residents of the subject neighborhood had received no notification of the proposed project in the last one and one-half years, during which time many people have moved out of the neighborhood to be replaced by new residents. Finally, she indicated that she was opposed to the traffic barriers because they would increase traffic on streets which do not have such installations.

Carl H. Peters, 1719 Anza Street, remarked that streets in San Francisco were widened after the 1906 earthquake to improve the maneuverability of Fire Department vehicles; and he felt that installation of the traffic barriers in the Inner Richmond district would create a hazardous situation in the event of another major earthquake. He remarked that installation of stop lights would achieve the same positive results as the barriers; and he advised the Commission that a new electrical system has been devised so that stop lights may be installed without the necessity of digging up an intersection.

Dan Buster, 782 11th Avenue, stated that the barriers create a dangerous situation; and he believed that the city would inevitably be faced with expensive lawsuits if the barriers are not removed. He also remarked that the barriers have the undesirable effect of diverting traffic onto other streets.

Anita Reed, 1691 31st Avenue, stated that she presently resides in the Sunset district; however, she was of the opinion that anything which happens in the Richmond district affects the entire city. She remarked that residents of the Sunset district had successfully fought the installation of raised streetcar tracks on Judah Street; and she felt that the proposal for traffic barriers in the Inner Richmond district should have been submitted to the voters before a single dollar was spent on the project.

Lou Bernhardt, 662 9th Avenue, emphasized that the Fire Chief had indicated that sufficient clearances would be available after modifications have been made in the size and shape of the barriers; and he felt that the best thing to do would be to live with the barriers for a while in order to see if they do have a beneficial effect on the safety of the neighborhood.

Michele Stratton, 546 11th Avenue, stated that she had received one of the brochures which had been distributed by the Planning Association for the Richmond concerning the proposed Protected Residential Area Project. Initially, she had not understood what was being proposed; however, she had called the telephone number listed in the brochure and had received an explanation of the proposal. Subsequently, approximately one and one-half years ago, she had received a questionnaire from the Planning Association for the Richmond concerning the proposal; and she had completed and returned the questionnaire. Later, she had learned that only 65 residents of the Richmond district had bothered to fill out the questionnaire. She advised the Commission that she continued to have some reservations concerning the project; however, since most of the barriers had already been installed, she felt that the best thing to do would be, to give the barriers a fair trial. She felt that traffic should be slowed down in the neighborhood; and the barriers would provide an opportunity for planting additional trees in the area.

Roger Bernhardt, 662 9th Avenue, remarked that traffic diverters have been installed in other neighborhoods in San Francisco. Those barriers are fairly attractive in appearance; and residents of the neighborhoods affected have not complained. He felt that residents of the Inner Richmond district should approach the barriers with an open mind and give them a fair trial. He stated that he is a member of the Planning Association for the Richmond; and he emphasized that

the objective of that organization is to improve the neighborhood. While it was obvious that there was a difference of opinion as to what approach should be followed in improving the neighborhood, he felt that it was important that the Inner Richmond district should have a representative neighborhood organization; and if people in the audience did not wish to support the Planning Association for the Richmond, he felt that they should form a neighborhood organization of their own.

Mrs. Hemmingway, 695 2nd Avenue, stated that she was thoroughly disgusted with the barriers. She advised the Commission that heavy equipment had been used when the barriers were installed. Her sidewalk had been crumbled; and vibrations from the equipment had caused plaster in her kitchen to fall. She indicated that the barriers had already caused one accident on Cabrillo Street; and she expected that they will cause many more accidents in the future. Although she had resided in the subject neighborhood for 20 years, she stated that she had never received any pamphlets concerning the project.

Catherine Treadgold, 1029 Anza Street, remarked that earthquakes are unpredictable; and, if an earthquake should occur while the barriers are in place, she felt that it would be impossible to evacuate the Richmond district. While proponents of the project had argued that the traffic islands would provide an opportunity for planting more trees in the area, she remarked that trees which had been planted by the city in Diamond Heights are dying.

Ruth Mansbach, 535 Spruce Street, stated that she opposed the traffic barriers because they divert traffic onto other residential streets. She remarked that traffic diverters had been installed in Jordan Park; and the net effect of those barriers had been to re-route traffic onto Spruce Street which now carries in excess of 3000 cars a day. She stated that she had not been notified of the proposal for the barrier system in Jordan Park; and despite the fact that she had tried to discuss the matter with officials in City Hall and with members of the City Planning Commission, she had gotten no satisfaction. She remarked that trees can be planted in the neighborhood without the traffic islands; and she expressed her opinion that the neighborhood will never get rid of the barriers if they are not removed immediately.

G. E. Parmenter, 919 Fulton Street, urged that the Commission require immediate removal of the barriers.

Gary Fie, 188 Seal Rock Drive, stated that Seal Rock Drive carries a great deal of traffic, particularly on week-ends; and, although he was not particularly in favor of the type of barriers which had installed the Inner Richmond district, he did feel that automobile noise should be controlled.

Kitty Richardson, 550 8th Avenue, stated that she had tried to get stop signs installed on Balboa and Anza Streets at Eighth Avenue but had been unsuccessful.

Alessandro Baccari, representing the San Francisco Council of District Merchants, stated that his organization was opposed to the barriers because their primary effect is to divert traffic onto streets which are already heavily used.

Due to lack of cooperation among the various city agencies involved, the barriers had been built wrong; and although money may be available for planting of trees in the traffic islands, he was not aware that any budget had been established for maintenance of the trees once they have been installed. He noted that the Commission had recommended to the Mayor that he veto the Board of Supervisors' resolution calling for a halt in the project; and, in view of the testimony which had been presented during the course of the present hearing, he felt that that recommendation should be reconsidered.

Ray Hernandez, 312 20th Avenue, stated that he is the Commodore of the San Francisco Model Yacht Club in Golden Gate Park; and he indicated that many residents of the subject neighborhood belong to his club. He stated that he was familiar with other traffic barriers which have been installed throughout the Bay Area; and, while some of them, such as the ones in the Mission district, appear to have been well conceived, he felt that the barriers which had been installed in the Inner Richmond district are dangerous. Just as the color of traffic lights is standardized to avoid confusion and hazard. He indicated that he was supportive of proposals to protect children and to make the city safe for pedestrians. However, each of the barriers which have been installed in the Inner Richmond district is different; and, because each of the barriers is a "surprise", the situation is extremely dangerous. While residents of the area may eventually become familiar with the barriers, strangers will still be confused; and, as a result, the barriers will continue to be dangerous. He felt that they should be removed immediately.

Diane Meiswinkel, 24 Loraine Court, remarked that the barriers are almost impossible to "navigate"; and she indicated that she was opposed to them.

Edison Uno, 515 9th Avenue, read the following statement:

"My name is Edison Uno. I am a resident here, living across the street at 515 Ninth Avenue for the past 18 years.

"There is a great deal of interest in the concept of a 'protected neighborhood'. As a resident of this area, I am vitally concerned about the future of our Richmond district. Our concerns have been expressed on such issues as the quality of our schools, desegregation and integration of our schools, the implementation of the mechanical streetsweeping system in the Richmond, the Sunday closing of the main throughfare in Golden Gate Park, protesting ever increasing property taxes, the election of district supervisors, and other community problems.

"I believe the traffic diversion program is the result of many long hours of diligent and sincere work by residents who were highly motivated by a desire to unite our community --- their goal was to promote the safety and health of the Richmond district.

"Whether we approve or disapprove of the project, there are some facts and realities which should be considered:

- "1. The traffic diversion plan was not a hastily conceived proposal. Many public hearings, meetings and designs were the subject of discussion by many public spirited residents.
- "2. As the project evolved, there was always an open door policy whereby citizens could express their views and opinions. To criticize the project before it is completed is admission that earlier responsibilities were neglected. I did not observe any exclusive or elitist attitudes during the development of the proposals.
- "3. The capital outlay is considerable; therefore an objective test should be allowed before we draw the conclusion that the program is unworkable, dangerous, wasteful or a dismal failure. Like any new program, it should be given an opportunity to be tested; perhaps a one year trial period after completion.

"I believe that an ideal program may not exist; however, I think as a resident I should be willing to make some sacrifices if it will contribute to the safety of our neighborhood. As I understand it, the traffic diversion plan is designed to discourage the public access and use of those streets within our neighborhood.

"We live in a democratic society --- we should preserve the rights of citizens to develop programs which are the products of their own self-determination. As an activist in my own community, I can appreciate and respect those whose views may differ from my own on this particular issue. This issue should not divide neighbor against neighbor, business people, against consumers, taxpayers versus renters, or any other factions.

"I believe a 'reactionary' response at this particular time would only further divide our community. I sincerely hope we can rationally assess and evaluate the program, give it a fair trial period, and agree to continue to work together for the total benefit of our Richmond district."

Peter Grumbach, 583 3rd Avenue, stated that he did not particularly favor the barriers which have been installed at intersections; and he felt that they should be removed. However, he was concerned about the safety of his children; and he felt that some effort should be made to slow down traffic in the neighborhood. He suggested that the barriers on the side street should be allowed to remain for 60 days and the staffs of the Department of City Planning and the Department of Public Works should be encouraged to return to their drawing-boards to develop a more workable scheme for slowing traffic on residential streets in the subject neighborhood. If it turns out that the proper solution would involve the installation of stop signs in the area, he felt that the signs should be installed.

Edith Hedlund, 438 8th Avenue, stated that she both drives and walks; and she found the barriers to be confusing as well as a hindrance. She remarked that the subject neighborhood looks like an obstacle course; and she did not feel that the barriers have made the area safer. She believed that the "bulbs" and "stars" would become dumping ground for garbage; and she felt that the project represented a misuse of public funds.

Winchell Hayward, 208 Willard North, stated that he was opposed to the barriers. He acknowledged that traffic should be controlled; but he felt that installation of stop signs would be cheaper than installation of barriers. Furthermore, stop signs will not interfere with the maneuverability of Fire Department vehicles.

Tony Kilroy, 473 11th Avenue, read the following statement:

"I have lived at 473 11th Avenue for 10 years. During that time, automobile traffic has increased in this area, along with its noise, air pollution, and hazards and has decreased the livability of the neighborhood.

"What do we want our neighborhood to be? Do we want an area which slowly succumbs to the degenerative cancer brought on by the dominance of the automobile? I know I don't. Many good things have been done recently in this area to improve livability. For example, this area was downzoned, the FACE program upgraded the residences from Arguello to 7th Avenue, and hopefully the remainder can be upgraded from 7th to Funston under the RAP program. I see the protected neighborhood plan as another part of the plan to improve livability.

"Traffic diverters have reduced traffic speed, I know I drive slower, noise is reduced and drag racing in the early hours of the morning on Anza and on 11th Avenue has been practically eliminated. I would prefer to exert a little effort in complying with the plan than to be continually violated by the roar of noisy automobiles, motorbikes, and trucks in the early hours of the morning.

"I would like to speak for the children of the area. As the father of two boys who were both hit by automobiles in this area, one in a crosswalk, I believe this plan will make the area safer and should be completed. This plan makes the area more livable for children, traffic is slower, children are safer, and there's more opportunity and place for play. I would prefer that a diverter or car be damaged than see a child dead in the street.

"I would like to speak for the cyclists in the area. Although the plan did not designate bike routes in the area, which I believe it should, it does reduce the speed of traffic which in turn makes the streets safer for bicycling.

"I would like to speak for the non-car owners and pedestrians in this neighborhood. This plan, when completed with its landscaping and slower traffic, will certainly improve the pleasure of walking. The new vistas on Anza and Cabrillo formed by the trees will be an improvement to the area and may encourage owners to landscape.

"The plan is simple, easy to understand, and it is easy to drive around our neighborhood. For example, from 12th Avenue and Geary to Safeway at 7th Avenue and Cabrillo requires one left and one right hand turn, turn left onto Anza and right onto 7th Avenue; from Rossi Park to 12th Avenue and Cabrillo is a straight drive along Balboa with a left turn onto 12th.

"The wisdom of preventing left turns off Geary has been questioned. However, on Geary from Van Ness to Sears no left turns are permitted whereas from Sears to Presidio Boulevard, the same distance, there are at least five opportunities still remaining to turn left. On Presidio Boulevard and 19th Avenue from the Presidio to Sloat Boulevard, twice the distance of Geary from Sears to Presidio, no left turns are permitted. Why not stop all left turns off Geary so that it is similar to the other two existing thoroughfares referred to so that fewer cars use our area as a thruway between main arteries.

"Some people think that it may be easier to justify a freeway in the area as a result of this plan. The recommended route of the Panhandle Freeway of the 60's was through the Park and along Presidio Boulevard. If it were possible to try to justify a freeway in the 60's then it should be easier to meet Division of Highways' criteria today because automobile traffic in our neighborhood has increased.

"The real facts are that we already have 5 'mini freeways' in our area: Fulton, Balboa, Geary, California and Presidio Boulevard. If traffic is not discouraged then in the near future Anza and Cabrillo will be 'mini freeways' too.

"At today's level of funding, capital outlays for freeways will practically disappear in the 1980's. Today we are operating under Proposition 5, transfer of gas tax funds for public transit and also much of the Federal funding is going to transit rather than freeway construction. Therefore, I find it hard to believe that a freeway could be seriously considered or proposed for this traffic corridor now or in the future.

"The plan should be given an opportunity to prove itself, I would suggest at least two years after the landscaping has been completed.

"Please endorse completing the plan."

Andy Davis, 675 8th Avenue, felt that a referendum should be held so that residents of the subject neighborhood would have an opportunity to express their opinion about the barriers in a meaningful way.

Ronald Lai, 538 6th Avenue, stated that he personally was not opposed to the barriers; however, he remarked that notices of the meeting had not been circulated in Chinese. He indicated that the barriers have diverted a great deal of additional traffic onto 6th Avenue; and he suggested that installation of stop signs every two blocks might be preferable to the barrier system.

Carl Kiddy, 572 8th Avenue, stated that he felt that the barrier program had been very badly handled. In effect, the bureaucracy had proceeded with the program against the will of the people. He felt that the barriers should be torn out immediately.

President Lau thanked members of the audience for their comments and requested the staff to coordinate with the staff of the Department of Public Works to further analyze the Protected Residential Area Project. Following receipt of the report of the staff, the Commission will formulate and advise a recommendation on the matter to be forwarded to the Mayor and the Board of Supervisors.

Commissioner Dearman stated that she agreed with members of the audience that the barriers should not have been installed; however, she did not understand how residents of the neighborhood could have failed to be aware that the project was being planned.

Commissioner Bierman felt that the Planning Association for the Richmond had had good intentions in proposing the project; but she felt that the barriers which had been installed by the Department of Public Works are a "disaster". She remarked that it was obvious that a large number of people were disturbed by the barriers; and, under the circumstances, she felt that something positive would have to be done to satisfy their concerns. She stated that she was particularly concerned about the fact that the barriers may be the cause of accidents.

Mark Rand, representing the Department of Public Works, stated that his department, at the request of the Board of Supervisors, will send a letter and a questionnaire to each resident of the subject neighborhood and to each absentee landlord owning property in the area within the next 10 days.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

76
- SAN FRANCISCO
- CITY PLANNING COMMISSION

Minutes of the Regular meeting held Thursday, July 29, 1976.

The City Planning Commission met pursuant to notice on Thursday, July 29, 1976, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Selina Bendix, Environmental Review Officer; Robert Meyers, City Planning Coordinator; Wilbert Hardee, Planner III; Audrey Owen, Staff Assistant III; Linda Ferbert, Planner II; Ralph Gigliello, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Dick Alexander represented the San Francisco Examiner; Dan Borsuk represented the San Francisco Progress; and Mel Wax represented Television Station KQED.

FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during August.

2:15 P.M. Room 282, City Hall

APPROVAL OF MINUTES

Commissioner Dearman stated that she wished to have corrections made in the minutes of the meeting of May 20; and she indicated that she would give the corrections to the Secretary. Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meetings of June 24 and July 1, 1976, be approved as submitted and that the minutes of the meeting of May 20, 1976 be approved with corrections.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised members of the Commission that the Northern Waterfront Planning Advisory Committee would hold its next meeting on Friday, July 30, at 9:00 a.m.

The Director indicated that the staff is preparing a draft resolution for consideration by the Commission concerning the Protected Residential Area Program in the Inner Richmond District. A public hearing had been held on this matter on Tuesday evening, July 27.

The Director noted that an article had appeared in that morning's edition of the Chronicle criticizing the City for delaying construction of new department stores on the sites of the City of Paris and Fitzhugh Buildings; and he distributed copies of a letter which he had addressed to the General Manager of the Downtown Association explaining the current status of those projects in the Department of City Planning. The letter is available in the files of the Department of City Planning.

The Director then called attention to the following letter which had been received from Michael Pietro:

"On May 19, 1976 a hearing was held in regards to a parking variance for a proposed office and retail building, bounded at the N.E. corner of Laurel and Sacramento. As of this date there has been no written decision from City Planning as to the granting or denial of this variance.

"You may recall that the planning commission held discretionary review hearings regarding this property and a compromise was agreed upon by Michael Pietro and Milton Vronis, owners of the property, and the Presidio Heights Association of Neighbors. It was agreed that one building, having parking for ten cars, would be constructed rather than the original two buildings with no parking. Our agreement with the Presidio Heights Association of Neighbors states that if the necessary permits and variances are not granted by August 31, 1976, we may proceed with the original two buildings. The delay by City Planning in rendering a decision on this variance may jeopardize the compromise between all parties involved.

"According to Mr. Steele, due to a lack of personnel a written decision on this variance could take as long as September 15, 1976 to be issued. Since the Planning Commission held discretionary review hearings and was instrumental in affecting this compromise, I respectfully request that they direct Mr. Steele to give priority to our variance and render a decision as soon as possible."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that it has been his policy to issue variance decisions in numerical order; however, because of the Commission's involvement in Mr. Pietro's project, he felt that it would be appropriate to treat that variance application as a special case.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the Zoning Administrator be requested to give priority to the decision on Mr. Pietro's application because the project had been modified to satisfy concerns of the Commission during the course of a discretionary review.

The Director advised the Commission that the Board of Permit Appeals had cancelled its Wednesday night meeting.

The Director reported that he had received a copy of the Bayview-Hunters Point Improvement Plan which had been prepared for the community by consultants with input from the staff of the Department of City Planning; and he remarked that the Commission should participate in the implementation of the plan.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Starbuck reported on the results of the Implementation Committee meeting which had been held on Tuesday concerning discretionary review procedures. After reviewing the discretionary reviews which had been held by the Commission since February, the Committee had concluded that each of the discretionary reviews had been addressed to valid concerns. However, the Committee had requested the staff of the Department of City Planning to make recommendations for standardizing discretionary review proceedings. He noted that previous Commissions had adopted thirteen resolutions describing specific circumstances under which discretionary review would be appropriate; and he requested members of the current Commission to review those policies to see if they still apply to current concerns. He remarked that the Commission had conducted only ten discretionary review proceedings since February; and, in view of the fact that the Department of City Planning processes approximately six hundred applications each month, he did not feel that the Commission was exercising its discretionary review authority excessively.

Commissioner Bierman, noting that people had testified during the public hearing on Tuesday evening that the traffic barriers which have been installed in the Inner Richmond district have caused accidents, requested that the Mayor's office be provided with information concerning the nature of those accidents so immediate steps can be taken to prevent future accidents.

Commissioner Bierman suggested that telegrams should be sent to Sacramento to (1) oppose a Senate bill which would require prior approval of an owner before a property can be considered as a State historical landmark or for the National Register of Historic Places and (2) to endorse a Senate bill which would allow local governments to issue revenue bonds for low-interest loans for rehabilitation of historic properties. She then moved that the telegrams be sent. The motion was seconded by Commissioner Starbuck. When the question was called, the Commission voted unanimously to request that the telegrams be sent.

Commissioner Rosenblatt reported that he had met with the Director and other members of the staff to explore means of expediting some of the procedures followed by the department. He stated that a number of preliminary suggestions had been made; and he indicated that he will bring the proposals to the Budget and Personnel Committee for discussion after they have been somewhat refined.

Commissioner Rosenblatt moved that a letter of congratulations be sent to Mrs. Morse Erskine on the occasion of her 80th birthday. Several members of the Commission seconded the motion. When the question was called, the Commission voted unanimously to request that the letter be sent.

CONSIDERATION OF RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO AMEND THE CONTRACT WITH WILLIAMS-KUEBELBECK AND ASSOCIATES, INC., BY ADDING \$5,000 FOR ECONOMIC ANALYSIS OF WATERFRONT PLANNING ISSUES.

George A. Williams, Assistant Director-Plans and Programs, noted that the Commission had previously authorized the Director of Planning to enter into a contract in an amount not to exceed \$7,500 with Williams-Kuebelbeck and Associates, Inc., to assist the Northern Waterfront Planning Program. He stated that some funds are still available in the department's current 701 Grant; and, insofar as there is a need for additional economic analysis of various planning proposals for the Northern Waterfront area, he felt that the extra funds could be best used for that purpose. Therefore, he recommended the adoption of a draft resolution which would authorize the Director to enter into a modification of contract with Williams-Kuebelbeck and Associates, Inc., in an amount not to exceed \$5,000 for further planning assistance in the Northern Waterfront area.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7528.

EE75.368 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NORTH POINT PARK MARINA, PIERS 37, 39 and 41, SAN FRANCISCO WATERFRONT DEVELOPMENT OF 133,000 SQUARE FEET OF NEW RESTAURANTS; 67,000 SQUARE FEET OF COMMERCIAL SPACE; A 250-BERTH BOAT MARINA; 40 SPORT-FISHING BERTHS; A PARK, A 1000 CAR PARKING GARAGE; AND ACCESSORY OFFICES.

Wilbert Hardee, Planner III, summarized the Draft Environmental Impact Report. He also mentioned some comments which had been received concerning the draft report; and he indicated that the Bay Conservation and Development Commission and the Bay Area Air Pollution Control District are expected to send comments to the department before August 12.

Warren Simmons, the developer, presented a photographic slide show to describe the proposed project.

Following the presentation, Mr. Simmons and his associates responded to questions raised by members of the Commission. The Commission then received comments from the audience. Individuals who answered questions or gave testimony included the following: Bruce Moody, Architect for the applicant; Robert Meyers, City Planning Coordinator with the Department of City Planning; Mr. Bankstron, Traffic Engineer for the applicant; Sandy Walker, Architect for the applicant; Morgan Noble, Consulting Engineer to the applicant; Rai Y. Okamoto, Director of Planning; Robert Katz, representing the Telegraph Hill Dwellers; Isaac Zambrini, 1000 Green Street; Richard Gryziec, 741 North Point; Winnifred C. McCarthy, Executive Director of the Apartment House Associations Consolidated; Robert Berner, representing the Foundation for San Francisco's Architectural Heritage; Steven Weicker, President of the San Francisco Junior Chamber of Commerce; H. William Griffith; Betty Rader, 17 Alta Street; and Selina Bendix, Environmental Review Officer.

At the conclusion of the hearing it was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be taken under advisement until a special meeting to be held on Thursday, August 19, 1976, at 7:30 p.m. Other items contained on the agenda relating to the same project were postponed until the same special meeting.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Dick Adams, a court reporter, was present and will prepare a transcript of the proceedings which will be available in the files of the Department of City Planning.

DR76.20 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT NOS. 458113, 458118 and 458120 FOR THE
CONSTRUCTION OF 3 SINGLE-FAMILY HOUSES ON ELSIE STREET
AT ESMERALDA AVENUE IN BERNAL HEIGHTS.

Ralph Gigliello, Planner II, stated that the applicant proposed to construct 3 single-family houses, each with parking for 2 automobiles and each with a height of 2 stories above street grade. The properties are presently vacant. He stated that both frontages of the subject portion of Elsie Street are largely undeveloped, forming a visual extension of the public open space above. Elsie Street has been improved with a 16 foot width. The surrounding neighborhood is zoned for single-family houses and developed with a variety of architectural styles. Streets are narrow and parking, both on and off-street, is limited. The staff of the Department of City Planning had issued a negative declaration for the proposed construction on July 9, 1976, following an environmental evaluation; and that negative declaration had not been appealed. The discretionary review had been requested by the Northwest Bernal Block Club and the Elsie, Bonview and Virginia Block Club. Concern had also been expressed by the Mission Planning Council and COMO. Mr. Gigliello summarized correspondence which had been received concerning this matter; and he distributed a list indicating the chronology of events since the applicant had filed permits for 10 units on the street on March 11, 1976. The applicant had reduced the number of proposed units from 10 to 3 by way of a letter dated June 15, 1976.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the Commission grant the request for discretionary review of the subject building permit applications.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the request for discretionary review be granted.

DR76.20 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS.
458113, 458118 AND 458120.

Ralph Gigliello, Planner II, noted that this project had been described when consideration was being given to the request for discretionary review.

President Lau advised members of the audience that the Commission had taken a field trip to the subject site prior to the meeting.

Charles Fenton, 141 Winfield Street, remarked that Bernal Heights has had a long history of strong neighborhood participation; and he indicated that the Federally Assisted Code Enforcement (FACE) program has changed the character of the neighborhood. He emphasized that the individuals who had requested the discretionary review were not opposed to development in general; however, they were opposed to irresponsible development. He indicated that several individuals were present to discuss various aspects of the problems posed by the subject applications.

Melissa Sarenac, 111 Lundy's Lane, remarked that only 3 houses were being proposed at the present time. However, similar houses might be constructed along the street in the future; and, if so, the neighborhood would be confronted with a 40 foot high wall of buildings. She stated that the city had provided \$2½ million worth of loans for rehabilitation of houses in the neighborhood; and many of the property owners had remodeled their buildings themselves. Generally speaking, the neighborhood has style and warmth; and residents of the area like it the way it is. Therefore, they were concerned about the possibility that developers, prompted by a profit motive, would construct buildings which would be inappropriate in the area and unacceptable to current residents of the neighborhood. The applicant had refused to change the design of the buildings which he proposed to construct; and residents of the neighborhood would object to the construction of such buildings regardless of who proposes to build them. While residents of the neighborhood understood that they cannot expect anyone to build Victorian homes at the present time, new buildings have been constructed in the area which are more compatible with the character of the neighborhood, than the ones which the applicant proposed to construct.

Mel Tatzapaugh, a resident of the neighborhood, distributed photographs of other new homes which had been financed by Homestead Savings and Loan; and he remarked that they were almost identical to the houses which the applicant proposed to construct. The proposed dwellings would be deficient in usable outdoor living space; and the yard area which would be available would be on the windy side of the lots and two floors below the living area of the houses. He doubted that the yard areas would be maintained. Furthermore, the design of the houses would not promote a friendly neighborhood climate. He stated that the subject neighborhood has a low crime rate; and he believed that the fact that most of the people in the neighborhood know each other helps to discourage crime. While he acknowledged that architectural design cannot guarantee neighborhood safety, he remarked that design can promote neighborhood safety. The design of the buildings being proposed would foster isolation and anonymity; and the buildings would create an inhospitable urban environment.

Ernest Gill, 125 Winfield Street, distributed photographs of Elsie Street, remarking that the narrow width of the street makes it difficult for automobiles and trucks to negotiate in the area. One side of the street is used for parking

and provides 16 on-street parking spaces. However, if houses were to be constructed on the opposite side of the street, automobiles parked on the street would make it impossible for the tenants of those houses to get in and out of their garages. If the houses are to be constructed, he felt that the developer and the city should assume responsibility for providing off-street parking for the automobiles which would be displaced from the street.

Mr. Fenton advised the Commission that the proposed houses would rise 46 feet above the bottom of their foundations; and the height of the buildings would deprive people living lower on the hill of views, privacy and sunlight. He felt that the profile of the proposed houses could be rearranged to provide more sunlight for properties on Winfield Street and to protect views of Bernal Hill from those properties. In addition, the "great wall" effect which would be visible from other parts of the city, could be eliminated. He also suggested that the rear walls of the proposed houses should have balconies or privacy screens to protect the privacy of people living on Winfield Street.

Claudia Viek, 177 Elsie Street, advised the Commission that storm drains and sewers in the subject neighborhood are really archaic; and she indicated that water is regularly backed up into dishwashers and bath tubs during the rainy season. She felt that the Commission should take those facts into consideration in considering the subject applications.

Vaughn Freitas, 50 Elsie Street, felt that other residents of the neighborhood had made a good case in opposition to the design of the proposed building; however, he advised the Commission that he was definitely in favor of some type of construction on the subject properties. The vacant properties are a haven for burglars. They have been littered with debris which has occasionally been set on fire by children. New development would alleviate those problems and would further benefit the entire neighborhood by expanding the city's tax-base. However, he felt that the design of the proposed buildings should be modified.

Chief Sullivan of the San Francisco Fire Department advised the Commission that Chief Rose of the department is on vacation but will return next week. Therefore, if the Commission wished to receive comments from the Fire Department regarding fire safety and maneuverability of fire vehicles in the area, he suggested that the Commission should defer action on the matter for one week.

Don Hildenbrandt, the applicant's soil expert, stated that the applicant had constructed 25 homes of similar design in Bernal Heights and had met with no opposition in the past; and he distributed photographs of some of the homes which had been constructed. He remarked that the design of the proposed buildings is one which is commonly used in San Francisco; and he felt that construction of the proposed homes would improve the subject neighborhood. In conclusion, he emphasized that additional housing is needed in San Francisco.

Albert Seyranian, architect for the applicant, stated that two or three design schemes had been considered for the proposed buildings; but several factors, including economics, had led to the choice of the design being proposed. One of the

alternate designs considered would have involved stepping the buildings down the hillside. However, the sewer line is located only 10 feet below grade; and, unless the sewage were to be pumped, the buildings would have to be constructed above the sewer line. He stated that he had met with residents of the neighborhood on two occasions and had made changes in the elevations of the building, including introduction of bay windows, as a result. A 10 foot front setback would be provided so that occupants of the houses would have access to their garage space. He remarked that the subject lots are of a rather minimum nature, having a width of only 25 feet and being located on a steep grade; and, as a result, development alternatives are limited. He stated that the applicant would have liked to have provided larger balconies on the rear of the buildings; however, the size of the balconies had to be limited because of the rear yard requirements of the City Planning Code.

Art Michael, the applicant, stated that he had built homes in the subject neighborhood over the past 15 years; and he indicated that he did not intend to undertake any development which would be detrimental to the area. He remarked that it is no longer feasible to construct Victorian homes; and he indicated that the design which he had chosen is common in the Richmond and Sunset districts of the city.

Richard Alvarez, Vice President of Homestead Savings & Loan, remarked that a building permit had already been issued for construction of a similar home within 100 feet of the subject lot. He remarked that the location of the sewer line severely restricts the type of construction which can take place on the property since it would not be possible to construct a new sewer line through properties located lower on the hill. He stated that the applicant proposed to construct low-income housing; and he emphasized such housing is needed in San Francisco. In response to questions raised by members of the Commission, Mr. Alvarez stated that he would define low-income housing as housing selling for approximately \$50,000. However, he estimated that the proposed houses would have to be placed on the market at \$55,000 or \$60,000 because of the delays which the applicant had encountered.

Commissioner Mellon inquired about the size of the proposed dwellings. Mr. Alvarez replied that the houses would have 1600 square feet of floor area and would include three bedrooms and numerous amenities. In view of the fact that the applicant had constructed similar houses elsewhere in Bernal Heights, he felt that the residents of Elsie Street who were complaining about the proposed houses were not representative of the neighborhood as a whole.

Vincent Walsh stated that he had obtained a building permit for a house which he is constructing on Elsie Street; and he advised the Commission that building problems in the area, coupled with restrictions imposed by the City Planning Code, severely limit the ability of developers to redesign their projects. He stated that his construction shack had been broken into three times in the last three weeks; and he remarked that damage during construction automatically results in higher cost to purchasers.

Edmund T. Nannery, owner of three lots located adjacent to the subject properties, stated that he supported the construction of the three proposed houses. He remarked that the vacant lots have been nothing but a "headache". He noted that it had been difficult to obtain loans for construction of housing in the subject neighborhood in recent years; and he felt that the proposed development should be allowed to proceed. He remarked that the design of the proposed buildings is typical of new construction in San Francisco; and he observed that use of that design cannot significantly alter the character of the city since 95% of the residentially-zoned property in the city is already developed.

Roger E. Injayan, 220 Esmeralda Avenue, stated that he was not opposed to development per se; but he felt that the design of the proposed buildings would be incompatible with the subject neighborhood. With regard to the issue of the sewage problem as it related to the design of the proposed houses, he stated that no one had approached him to inquire about the possibility of an easement over his property for a connection with the Esmeralda Street sewer; but it seemed to him that such an approach might be a reasonable one to consider. As designed, the proposed houses would necessarily result in the removal of on-street parking spaces on Elsie Street; and they would complicate matters for the Fire Department.

Roberto Camp, representing the Mission Planning Council, remarked that the majority of housing in San Francisco could not be regarded as "tacky"; and he did not feel that "tacky" housing should be inflicted on Bernal Heights. While he acknowledged that it has been difficult to obtain financing for private housing in the Mission district because of "red-lining", he felt that the applicant should be required to prepare a better design for the proposed structures.

Jim Haas, 163 Prospect Avenue, remarked that a great deal of money had been spent in the subject neighborhood during the course of the FACE program; and, in addition, the results of that program had spurred property owners in the area to undertake further improvements. Houses in the area were selling for approximately \$10,000 a few years ago; and they are now selling for \$50,000 or \$60,000. Thus, it was obvious that a renaissance has taken place in the neighborhood. He regarded the subject properties as choice lots; and he felt that the proposed houses could be sold for a great deal more money if they were to be of a higher design quality.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the building permit applications be approved subject to the following conditions:

- "1. The height of the houses is not to exceed 10 feet above Elsie Street.
- "2. The extent of undeveloped lower building areas shall be minimized in order to lower the first level of occupancy to a level enabling ready access to rear yard, open space.
- "3. Insofar as possible, garages shall be set back to provide off-street maneuvering area and to allow the retention of curb parking and to maximize sight lines along the streets.

"4. Setback areas shall be landscaped.

"5. Revised plans responding to the above four conditions shall be submitted for review and approval by staff of the Department of City Planning.

"6. The possibility of utilizing a sewer easement along the rear of the properties fronting upon Elsie Street, particularly to carry sewage to the existing sewer in Esmeralda Avenue, should be investigated as an alternative to the use of sewer pumps in the lower building areas."

Mr. Michael asked how it would be possible to provide two off-street parking spaces and an entry-way on a 25 foot wide lot if the height of the building were to be limited to 10 feet. Mr. Steele replied that the plans which had been submitted by the applicant had included two off-street parking spaces and an entry-way within the 25 foot frontage; and he did not feel that the height of the building would affect that arrangement.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Mellon, and carried unanimously that Resolution No. 7529 be adopted and that the three building permit applications be approved subject to the conditions which had been recommended by Mr. Steele.

CONSIDERATION OF STAFF RESPONSE TO MT. SUTRO COMMUNITIES PLAN.

Earlier in the meeting, President Lau had observed that the meeting was running late and had asked if individuals present in the audience preferred to have this matter heard at the end of the agenda or to have it postponed to another date. After discussion, the Commission had decided to discuss the matter at the end of the meeting but to defer action until a later date.

George A. Williams, Assistant Director-Plans and Programs, noted that the Commission had held a public hearing on the Mt. Sutro Communities Master Plan -- Institutional Expansion Element in March. Subsequently, the staff of the Department of City Planning had prepared its response to the Mt. Sutro Plan which was widely distributed in April. A revised version of the staff's response was prepared on June 17; and that response was presently before the Commission for consideration. Basically, the staff was proposing changes only in two policy areas of the Mt. Sutro Plan, those being the policy which would restrict the growth of institutions to their structural envelope and the policy relating to affirmative action hiring. The Mt. Sutro Plan took the position that institutional expansion should be restricted in the Mt. Sutro area because that area has already felt disproportionate impact from institutions. However, the staff did not feel that the growth of institutions should be restricted on a city-wide basis. In fact, the staff felt that it should be the policy of the Commission to encourage the expansion of institutions in San Francisco in appropriate locations. Therefore, the staff had also prepared a set of "guidelines" for institutional growth in San Francisco; and the staff was recommending that the Commission adopt those guidelines as policy.

Commissioner Bierman felt that the Commission's first priority should be to take action on the plan which had been submitted by the Mt. Sutro Communities.

Roberto Camp, Executive Vice President of the Mission Planning Council, stated that his organization was supportive of the plan which had been proposed by the Mt. Sutro Communities. He noted that that plan had recommended that the University of California Medical Center should direct its future expansion to other neighborhoods of the city, such as the Mission district; and he did not believe that that requirement would in any way alter the economic viability of the Medical Center.

Commissioner Rosenblatt remarked that the University of California Medical Center is a State institution; and he questioned whether any policies adopted by the Commission relating to that institution would have any effect.

Mr. Camp stated that he felt that it would be helpful if the Commission were to be on record in opposition to any future expansion of the Medical Center in the Mt. Sutro area. In addition, he felt that the Commission should oppose the use of eminent domain by the Medical Center. He felt that the Medical Center should be required to decentralize. He stated that he was opposed to the affirmative action provisions of the Mt. Sutro Plan since those provisions would discriminate against minority people who happen to live in other areas of the city.

Marsha Lindeen, representing the Mt. Sutro Defense Committee, advised Commissioner Rosenblatt that the University of California Medical Center expansion issue had been taken to court; and the court had taken the position that the expansion problem was a local planning issue. Therefore, she felt that it would be extremely helpful if the Commission were to take a policy position on the matter.

Anna Darden, President of the Haight-Ashbury Neighborhood Council (HANC), summarized and submitted the following statement:

"In November 1974, the general membership of the Council unanimously adopted the Mt. Sutro Communities' Master Plan, Institutional Expansion Element. Seven other community and neighborhood organizations on and around Mt. Sutro also adopted the Master Plan.

"The Plan was a rational, constructive response by community and neighborhood groups to an irrational and destructive policy of over-expansion adopted by institutions in a specific area of our City.

"In November of 1975, the Council along with the other endorsers of the Master Plan submitted it to the Planning Commission for action.

"In March of 1976, the new Planning Commission held a public hearing in the community on the Master Plan. Hundreds of people turned out and scores offered testimony.

"In April and May of 1976, the Council, along with the Coalition for San Francisco Neighborhoods, drafted and supported the passage of Section 304.5 of the City Planning Code requiring an open and detailed process of institutional master planning.

"Also in April and May, the Board of Supervisors passed a series of policy statements concerning U.C.S.F. in which, among other things, the Supervisors made it City policy to 'strongly oppose further expansion on the present campus site...to explore alternative sites' for 'neighborhood clinics' (File No. 12-76-18 passed 3/8/76) and to 'restore to the market and make available for private purchase all of those residential type structures now owned by the University' (File No. 204-76 passed 5/76).

"These policies equal or exceed goals and objectives of the Communities' Master Plan, although they are aimed at one institution and the Plan is aimed at all institutions.

"In short, the people of the communities and neighborhoods which surround Mt. Sutro, the Coalition and the Board of Supervisors have recognized the special, unique and particular set of circumstances which have resulted in the impaction of this specific community by institutions.

"While the June 17 memorandum prepared by staff has seemingly also recognized the specific and unique problems facing our community (see last paragraph on page 2 of that memo), it recommends to the Commission a set of general 'guidelines' which do not. Additionally, with two exceptions, the modifications submitted to the Commission (see Appendix A) of the Mt. Sutro Master Plan has the general affect of weakening the focus of the Master Plan.

"Therefore, the Board of the Council urges the following steps:

- "1) Refer consideration of Appendix B - 'Guidelines for Institutional Growth in San Francisco' - for another, separate hearing.
- "2) Adopt unchanged except for the modification of language referred to on page 5 (last sentence of last paragraph) and as worded in Appendix A, page 9, and the substitution of the language in Section 304.5 of the Planning Code for the master planning elements of the Communities' Master Plan as recommended by staff on pages 10 and 11 of Appendix A.

The Mt. Sutro Communities' Master Plan is a specific statement as to the needs of a specific community. It is meant to be used as a permanent 'guideline', not for the City, but for that specific community. Such specificity is needed if the planning process is to make sense.

"The Mt. Sutro Communities cannot tolerate further institutionalization. A strong statement to that effect by the Commission is one small step to insuring the future existence of a residential community of nearly 50,000 people. That step should be taken and the statement made clearly and precisely."

Calvin Welch, Housing Chairman of the Haight-Ashbury Neighborhood Council (HANC), stated that the staff of the Department of City Planning had never met with neighborhood organizations to discuss the proposed guidelines for institutional growth in San Francisco; and he felt that the Commission should proceed to act on the Mt. Sutro plan before undertaking consideration of the city-wide proposals. He noted that the staff memorandum on the Mt. Sutro Plan had recognized that the Mt. Sutro area is unique in that it has already been impacted with institutions; and he felt that it was important for the Commission to adopt policies to restrict the growth of institutions in that area before addressing itself to city-wide policies on institutional growth of a generalized nature.

John Bardis, representing the Inner Sunset Action Committee (ISAC), remarked that the City Planning Commission had extended local zoning onto the campus of the University of California Medical Center several years ago; and community representatives had found that that action of the Commission had had some considerable effect. He also noted that the Commission has the power to review proposed vacation of city streets; and he indicated that several city streets had been closed for the benefit of the University of California Medical Center. He stated that assessed valuation of residential properties in San Francisco is three times greater than the assessed valuation of downtown property; and he urged the Commission to be mindful of the fact that housing is San Francisco's most important industry. He stated that his organization was not taking a "no growth" stance with regard to institutions; but they felt that expansion of institutions should be contained within reasonable limits. In conclusion, he urged the Commission to consider the Mt. Sutro Plan separately from the staff's guidelines for institutional growth on a city-wide basis.

Tom Gwyn, representing the University of California Medical Center, indicated that he had submitted a letter from Francis A. Sooy, Chancellor of the University of California at San Francisco, in which Dr. Sooy had requested that this matter be continued under advisement for at least one additional month to enable institutions who would be affected to respond to the proposed guidelines for city-wide institutional development. With response to the question which had been raised by Commissioner Rosenblatt, Mr. Gwyn stated that the University of California cannot ignore policy positions which have been taken by the City Planning Commission; however, the University would prefer to develop new plans working in concert with the City agencies involved.

Commissioner Rosenblatt asked to what extent the Mt. Sutro Plan had received community exposure. Mr. Welch replied that the plan had been approved by all of the neighborhood organizations which had participated in its preparation. The Mt. Sutro Communities had distributed 10,000 newsprint copies of the plan; and he understood that the University of California had distributed 20,000 additional copies of the plan. He stated that the Haight-Ashbury Neighborhood Council had discussed the plan at five or more general membership meetings.

Commissioner Bierman remarked that the appendices attached to the staff memorandum were not dated; and she indicated that she had never received the revised appendices which had been distributed with the June 17 memorandum. She suggested that all such documents should be dated in the future. She remarked that the Mt. Sutro Plan had been widely distributed and discussed; and residents of the neighborhood affected felt that it was important that the Commission should adopt the policies relating to those specific problems. Under the circumstances, she believed that the Commission should proceed with consideration of the Mt. Sutro Plan before undertaking review of guidelines for city-wide institutional growth.

Sue Hestor stated that she agreed with the remarks which had been made by Commissioner Bierman. She remarked that she personally resented the amount of time which is required for City Hall people to make decisions; and she felt that it was unfair of the staff of the Department of City Planning to have "thrown everything but the kitchen sink" into the plan which had been prepared by the Mt. Sutro Communities. She believed that the effect of the staff's action would be to stir up city-wide animosity over a localized problem.

After further discussion, the Commission requested the staff of the Department of City Planning to meet further with concerned groups concerning the issues which had been discussed and to bring the matter back before the Commission on a date to be determined by the Director of Planning. The Commission also expressed its desire to take action on the Mt. Sutro Plan the next time that it is calendared for consideration.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

DOCUMENTS
AUG 5 1976

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, August 5, 1976.

The City Planning Commission met pursuant to notice on Thursday, August 5, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Susan J. Bierman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Selina Bendix, Environmental Review Officer; Wayne Rieke, Planner IV (Zoning); Alan Lubliner, City Planning Coordinator; Glenda Skiffer, Planner III; Jonathan Twichell, Transit Planner III; Kit Hermann, Planner II; Robert Feldman, Planner II; James Hirsch, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, second by Commissioner Finn, and carried unanimously that the minutes of the meetings of July 8, July 15 (Regular Meeting) and July 15 (Special Meeting), 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of the staff meeting scheduled for next Wednesday evening, July 11, at 7:30 p.m. at the Herbert Hoover Junior High School where residents of the southwest portion of the city will be invited to comment on the new residential zoning pattern recommended for that area of the city.

The Director noted that the Commission has scheduled evening meetings on August 12 and 19, both to be held at 7:30 p.m. in Room 282, City Hall.

The Director reported that the Board of Permit Appeals, meeting on the previous evening, had overruled three actions of the Zoning Administrator.

The Director informed the Commission that the Board of Supervisors, meeting on Monday, had referred the proposed Tree Ordinance back to the Planning, Housing and Development Committee.

The Director announced that the Northern Waterfront Planning Advisory Committee would hold its next meeting on August 6 at 9:00 a.m.

The Director reported that the Mayor's Select Committee on the Yerba Buena Center had not yet finalized its recommendations.

At this point in the proceedings, Commissioner Dearman arrived in the meeting room and assumed her seat at the Commission table.

George A. Williams, Assistant Director-Plans & Programs, reported on the current status of the proposed Rehabilitation Assistance Program (RAP) in the Upper Ashbury District. Since the program may engender some controversy, a determination had been made in accordance with provisions of Federal law that an Environmental Impact Statement should be prepared for the project; and he indicated that the Environmental Impact Statement will be published shortly. The Environmental Impact Statement could have been published earlier in the year. However, there was at that time some doubt as to whether any RAP projects would be undertaken; and the staff had given the Environmental Impact Statement less priority than Environmental Impact Reports which were being prepared for the Wastewater Management Program. Furthermore, it had seemed desirable to delay the Environmental Impact Statement since the staff had hired a consultant to look into alternate rehabilitation programs and techniques. However, in view of the fact that a member of the Board of Supervisors had expressed concern about the delay, the staff had met with representatives of other City agencies involved and had decided to publish the Environmental Impact Statement as soon as possible.

Commissioner Rosenblatt, noting that a RAP program is being implemented in the Inner Richmond district, asked that the Commission be provided with background memoranda concerning that program.

The Director stated that he is preparing a memorandum which will contain recommendations for consideration by the Commission related to the Protected Residential Areas Program in general and the Inner Richmond program in particular. Commissioner Starbuck felt that the Commission should defer making any recommendation on the Inner Richmond program until such time as the survey being undertaken by the Department of Public Works has been completed.

The Director informed the Commission that he intends to convene an ad hoc committee of small builders and developers to review details of the Residential Zoning Study proposals.

ZM76.14 - BLOCK BOUNDED BY TOWNSEND, THIRD, KING AND FOURTH STREETS.
M-2 TO A C-M DISTRICT. (For Development of a Recreation Vehicle Park.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is presently vacant except for a part of the abandoned Southern Pacific Depot. He stated that the applicant had requested that the property be reclassified to C-M to allow for development of a Recreation Vehicle Park with temporary spaces for approximately 200 vehicles. Assessory uses would include two retail stores selling food and recreation vehicle assessories, toilet and shower facilities, and playground and picnic areas. Landscaping would include 136 trees on 14,000 square feet

of lot area. The project would be built in two phases, the first with 89 spaces, buildings and landscaping and the second with 111 spaces. Users would be limited to 72 hour stays in the park. The park would be in the nature of a temporary mobile home park and would not be a storage facility. No uses providing living accommodations are allowed in industrial districts; however, C-M districts allow parking lots and residential uses as principal permitted uses. If the zoning of the property were to be changed, the City Planning Commission could not attach conditions to its approval of the application; however, the staff could monitor the project and report back to the Commission if problems should develop.

David Nelson, one of the applicants, stated that 71,000 recreational vehicles visited San Francisco in 1975. However, the City has no area in which such vehicles can legally be parked overnight. Travellers wishing to remain in the City overnight generally park in public or semi-public areas; and, because there would be no place to send them except out of town, the police have tended to be lenient with the overnight parkers. Unfortunately, many of the travellers have discharged waste from their vehicles on public streets; and that practice can create an odor problem. He felt that the public convenience would be served by establishment of the proposed recreation vehicle park; and he indicated that the Police Department was supportive of his proposal. He emphasized that he did not intend to provide a place for people to live in their recreational vehicles but merely a place for them to stop when they are visiting San Francisco. He stated that recreational vehicles visiting San Francisco usually carry approximately four people, two of which are under eighteen years of age; and many families traveling in that fashion cannot afford to stay in hotels. He stated that amenities would be installed on the site, utilities would be undergrounded, and lighting would be shaded. He also intended to provide bicycles for his guests. He pointed out that the subject property is located within two blocks of five bus lines; and, as a result, his guests would have convenient access to public transportation. He stated that security guards would be employed on a 24-hour basis; and TV cameras would monitor the property.

Commissioner Starbuck inquired about the length of the applicant's lease. Mr. Nelson replied that the applicants have acquired a 15-year lease on the site; however, the lease contains a clause which would enable Southern Pacific terminate the lease if a higher and better use is found for the property. In reply to a further question raised by Commissioner Starbuck, Mr. Nelson stated that the proposed facility would employ approximately 30 people.

Commissioner Starbuck then observed that the subject property is presently zoned M-2; and if it were to be developed with an M-2 use, ten times as many blue collar jobs might be available as would be provided by the proposed project. In view of the fact that the project might occupy the site for up to 15 years, he was concerned about the low number of jobs which would be available. He asked if there were alternate tenants for the site who might provide more labor-intensive uses.

Mr. Nelson stated that he and his associates had been trying to acquire a lease on the property for approximately one year; and he indicated that he was not aware of any other applicants. He noted that the Commission had received a number of letters in support of the project from property owners in the area.

Mrs. Andrew, Gallagher, Industrial Director of the Southern Promotion Association, remarked that the subject property is extremely valuable industrial land; and she indicated that the members of her organization were opposed to having the property used for a recreational vehicle park. She felt that such a facility would be better located in India Basin, on Evans Avenue, or in the Bayview District. She urged the Commission to disapprove the subject application.

Ron Kaufman, part owner of a building located at 625 Third Street, expressed his opposition to the subject application. He stated that he and his partner had "pioneered" in the subject neighborhood and had struggled to upgrade the area for eight years. They had hoped that the Yerba Buena Center would provide a positive development force; but that project had failed to materialize. He believed that the proposed use would be incompatible with other uses in the area insofar as it would cater to transients; and he felt that the low intensity of land-use would lower the value of industrial property in the area. He suggested that the use might be better located on property owned by the Southern Pacific Railway further to the south. He remarked that owners of properties located further than 300 feet from the subject site had not been notified of the subject application; however, he had discussed the matter with some of those individuals and found that they were opposed to the project. In conclusion, he stated that a substantial developer had approached the Southern Pacific Railway with a proposal to rehabilitate the old depot.

Stan Murray, an officer of the MTB Coffee Company which owns property at 665 Third Street, stated that his company was concerned about the compatibility of the proposed use with other uses in the area. The recreational vehicle park would generate a considerable amount of traffic; and the transient clients might increase crime in the area. While he was not prepared to urge denial of the application with the same intensity as the previous speakers, he did hope that the Commission would give consideration to the concerns which he had mentioned.

William Murdoch spoke in favor of the proposal. He remarked that San Francisco is a great tourist town; and he felt that facilities should be available for tourists who are traveling in recreational vehicles.

Commissioner Finn asked if there were any representatives from the Southern Pacific in the audience who could comment on the prospects of an alternate use for the site within the next 15 years. Jim Horstman representing the Southern Pacific Land Company, replied that no alternate project had yet been proposed. He remarked that the subject property is a valuable piece of real estate; and, in fact, the land is too valuable for rail-oriented industrial use. Ultimately, he felt that the site would be appropriate for high-rise construction; but his firm had not been able to generate any interest in such a project. Unless authorization is given for the recreational vehicle park, he expected that the property would remain vacant for the time being.

Commissioner Starbuck asked if the Southern Pacific Land Company had been approached by a developer wishing to rehabilitate the old depot building. Mr. Horstman replied in the affirmative but indicated that his firm did not think that rehabilitation would be logical since the depot was originally constructed as a temporary building.

Commissioner Starbuck asked Mr. Horstman if he felt that the Southern Pacific Land Company would have difficulty in attracting tenants if it were to build a high-rise office building at the present time. Mr. Horstman replied that he did not feel that a high-rise office building would make a profit under present circumstances.

Mr. Steele inquired about the specific termination clauses contained in the applicant's lease. Mr. Nelson replied that the contract would specify that the term of the lease would be 15 years to be terminable by the railroad on 30 days notice in which event the lease would be reimbursed for the unamortized portion of his investment not to exceed \$500,000.

Mr. Steele then observed that it was clear that the proposed use of the site would be temporary in nature pending a proposal for more intensive use of the property. He indicated that there is a need in San Francisco for a recreational vehicle parking facility to serve tourists using that mode of transportation; and the location of the subject property would afford users of the recreational vehicle park easy access to freeway ramps, the Bay Bridge, the Southern Pacific Depot and Municipal Railway lines. Therefore, he recommended that the subject application be approved.

It was moved by Commissioner Dearman and seconded by Commissioner Rosenblatt that the application be approved.

Commissioner Starbuck stated that he intended to vote against the motion. He indicated that he was concerned about the low level of employment which the proposed project would provide; and he felt that a more labor-intensive use could be found for the property.

Commissioner Dearman agreed that a more labor-intensive use would be preferable; however, it appeared that the land would remain vacant if the recreational vehicle park project were to be abandoned.

Commissioner Finn acknowledged that the proposed use would not constitute the highest and best use of the site; but he expected that the Southern Pacific Land Company would cancel its lease with the applicants if someone should make them a more profitable offer.

When the question was called, the Commission voted 5 to 1 to adopt Resolution No. 7530 and to approve the subject application. Commissioners Dearman, Elliott, Finn, Lau and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

ZM76.15 - PROPERTY SURROUNDED BY SICKLES AND CAYUGA AVENUES AND ALEMANY BOULEVARD. C-1 TO A C-2 DISTRICT (FOR DRIVE-IN PHOTO SHOP.)

R. Spencer Steele, Assitant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which contains 2150 square feet of lot area and is presently vacant. He stated that the applicant had requested that the property be reclassified from C-1 to C-2 to allow development of a drive-in photo shop with one employee with access on Sickles and

Cayuga Avenues. Drive-in retail uses are permitted in C-2 but not in C-1 districts. Fotomat kiosk with planter-beds and landscaping would be built. The overall size of the structure would be approximately 119 square feet. During the peak summer season, 5 to 6 cars per hour would be served. During the winter months, 2 to 3 cars would be served each hour. The facility would operate from 9:00 a.m. to 7:00 p.m. six days a week. Mr. Steele stated that a variance was granted in 1974 by the Zoning Administrator to allow development of a 4-unit apartment building and an office on the subject site; however, that project had not been built.

President Lau asked if anyone were present in the audience to speak in opposition to the subject application and received a negative response.

Susan L. Whitney, representing Fotomat Corporation, stated that her firm has been a neighbor in San Francisco for more than eight years; and she indicated that the subject site would be landscaped.

Commissioner Starbuck asked if the applicant anticipated parking problems on the site. Ms. Whitney replied in the negative, indicating that the proposed facility would be a drive-through operation with vehicles entering from Sickles Avenue and leaving by way of Cayuga Avenue.

Mr. Steele recommended that the application be approved.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7531 be adopted and that the subject application be approved.

CU76.22 - 1650 WEBSTER STREET, EAST LINE, 114.5 FEET NORTH OF POST STREET.
REQUEST FOR AUTHORIZATION TO MODIFY A PREVIOUS AUTHORIZATION FOR A
41 SPACE PARKING LOT TO DELETE THE REQUIREMENT FOR INTERIOR LAND-
SCAPING AND TO ALLOW THE USE TO CONTINUE INDEFINITELY.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 67 feet along Webster Street and a depth of 283.75 feet for a total area of 19,011 square feet. The property is zoned R-4 and is subject to the standards of the 80-A height and bulk zoning district. The property is developed with a 41 space parking lot with fence and exterior landscaping. The parking lot had been authorized by the City Planning Commission by Resolution No. 6904 adopted on October 5, 1972. That resolution limited authorization for the parking lot to three years and required the installation and maintenance of interior landscaping on the lot prior to operation. The present application had been filed to request that the conditions setting the time limit and requiring interior landscaping be rescinded. Mr. Steele stated that the Nihonmachi Community Development Corporation had sought and justified a variance in 1970 from the parking requirements of the City Planning Code for the development of no more than 144,425 square feet of commercial floor area with 125 off-street parking spaces. Phase I of the project was eventually. However, when it had authorized the parking lot use in 1972, the Commission had allowed the subject property to be developed with 41 parking spaces.

Victor Abe, representing the applicant, stated that the parking lot actually has 43 parking spaces; and the staff of the Department of City Planning had taken the position that two of the spaces should be removed and replaced with landscaping. He remarked that landscaping is difficult to maintain; and, since the applicant is already losing money on the parking lot, he felt that the number of parking spaces should be maximized. He remarked that the lot is located between two large buildings; and he felt that any landscaping which might be installed on the site would be dwarfed by those buildings.

President Lau asked Mr. Abe how much money would be required to install the landscaping which was being required by the staff. Mr. Abe replied that the landscaping could probably be installed for approximately \$1,000; however, the applicant would lose the revenue from the parking spaces which would have to be removed if the landscaping were to be installed.

Mr. Steele stated that the staff was of the opinion that 8 or 10 trees should be installed on the property.

Commissioner Rosenblatt asked why the original authorization for the parking lot had been subject to a three year time limit. Mr. Steele replied that the time limit had been established because the staff anticipated that the Environmental Protection Agency would restrict off-street parking in San Francisco.

Commissioner Starbuck asked Mr. Abe if he felt that the parking lot is attractive in its present state. Mr. Abe replied that large trees exist on adjacent lot; and he did not feel that the applicant should be required to spend money for landscaping.

Commissioner Starbuck then observed that provision of landscaping in exchange for an unlimited authorization for the parking lot seemed to him to be a fair exchange. Mr. Abe replied that the applicant would prefer to dispense with the parking lot altogether. In fact, they had offered to give the lot to the Parking Authority free of charge. He stated that the 800 car parking garage across the street from the site is little used; and he felt that that garage provides all of the off-street parking spaces which are needed in the area.

Mr. Steele stated that the landscape architect on the staff of the Department of City Planning had estimated that it would cost approximately \$5,000 to install landscaping in conformance with the original landscaping plan.

Robert Reese, Assistant Area Director for Redevelopment Project Area A-2, stated that he was sympathetic to the problems being faced by the Nihonmachi Parking Corporation; however, he advised the Commission that the Redevelopment Agency contract with the corporation requires that common areas be landscaped.

Rai Y. Okamoto, Director of Planning, suggested that an alternate landscaping plan might be developed which would be less expensive.

Mr. Steele agreed that it might be possible to develop a scheme for planting of ivy on trellises which would be less costly than the planting of trees; and he

indicated that the staff would explore that possibility. He then recommended that the application be approved in part to remove the time limit on the parking lot and disapproved in part, retaining the requirement for landscaping of the interior of the lot.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Elliott, and carried unanimously that Resolution No. 7532 be adopted and that the application be approved in part and disapproved in part as recommended by Mr. Steele.

EE76.238 - PUBLIC HEARING ON APPEAL OF A NEGATIVE DECLARATION (ENVIRONMENTAL REVIEW) ISSUED BY THE DEPARTMENT OF CITY PLANNING FOR CONSTRUCTION OF A TWO-STORY RESTAURANT AND LOUNGE AT 1201 19TH AVENUE, SOUTH-WEST CORNER OF LINCOLN WAY.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), summarized the reasons for the staff's determination that the proposed project could not have a significant effect on the environment. He stated that the staff's determination had been appealed by Mrs. Joseph Call, 1831 Lincoln Way; and he indicated that other residents of the neighborhood had telephoned the Department of City Planning to request that an Environmental Impact Report be prepared.

The Commission then received comments from members from the audience including Rosita Panol, 1269 19th Avenue; Barbara Shanley, a resident of the neighborhood; Jack Krystal, the applicant; Paul Louis, 1224 20th Avenue; Mrs. Joseph Call, 1831 Lincoln Way; Angelo Delacarte, operator of the service station on the subject site; Marie Chambers, 1552 20th Avenue; Mike Salerno, representing the Irving Street Merchants Association; and Mrs. Andrew Gallagher, 1485 18th Avenue.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7533 be adopted finding that the proposed project could not have a significant effect on the environment and affirming the negative declaration which had been issued by the Department of City Planning.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

At 4:25 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 4:35 and proceeded with hearing of the remainder of the agenda.

DR76.19 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 45754 FOR THE ENLARGEMENT OF A RESTAURANT USE AT 1838 UNION STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator) recommended that this matter be taken out of order. He advised the Commission that the problems related to the subject building permit application may be resolved; and, as a result, he recommended that consideration of the request for discretionary review be postponed until the Commission's meeting on August 26.

It was moved by Commissioner Dearman, seconded by Commissioner Finn, and carried unanimously that the consideration of the request for discretionary review be postponed until the Commission's meeting on August 26.

At this point, the Commission returned to the regular agenda order.

CU76.23 - 1201-19TH AVENUE, SOUTHWEST CORNER OF LINCOLN WAY.
REQUEST FOR AUTHORIZATION TO CHANGE A NON-CONFORMING USE
GASOLINE SERVICE STATION ON A 14,000 SQUARE FOOT LOT TO A
RESTAURANT WITH 35 OFF-STREET PARKING SPACES AND LANDSCAPING;
IN AN R-3 (PROPOSED RH-2) DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property. He indicated that the property is occupied by a gasoline service station which has non-conforming use status and a November 25, 1983, termination date. The applicant proposed to change the non-conforming use status of the existing gasoline service station to conditional use status and to replace the service station with a new restaurant with cocktail lounge on the first floor and main dining room, banquet room and kitchen on the second floor. The building would contain approximately 7,000 square feet of occupied floor area. It would be built along the Lincoln Way frontage of the site with access to 35 off-street parking spaces via a driveway under the building from Lincoln Way.

Jack Krystal, the applicant, stated that he and his associates proposed to construct a fine restaurant which would serve residents of the subject neighborhood and the city as a whole. At the present time, merchants and residents and residents of the neighborhood must go to downtown San Francisco or to Westlake Joes if they want to go to a good restaurant; and he felt that the proposed facility would fulfill a community need. In preparing plans for the restaurant, attention had been given to relevant policies of the Urban Design Element of the City's Master Plan; and he believed that the restaurant would be an asset for the neighborhood. He remarked that 19th Avenue serves as a gateway both for Golden Gate Park and for the Sunset district; and he felt that the proposed restaurant would be a more appropriate use for the subject property than the existing gas station or other facilities such as fast food restaurants. He advised the Commission that the gas station which presently occupies the site sells approximately 900,000 gallons of gasoline a year; and he remarked that the proposed restaurant would attract a much smaller amount of automobile traffic. The restaurant would increase the City's tax-base and would provide employment opportunities; and, in addition, it would encourage residents of the neighborhood to dine out in their own area instead of frequenting restaurants on the Peninsula or elsewhere.

Commissioner Starbuck asked Mr. Krystal if he owns the property at the present time. Mr. Krystal replied in the negative but indicated that he will obtain title to the property by the end of the month. In reply to further questions raised by Commissioner Starbuck, Mr. Krystal stated that a possible alternate use for the site might be a fast food restaurant such as McDonalds or a Doggie Diner; but he indicated that he would not sell the property for that type of development. Although the property is zoned for residential use, he felt that construction of the proposed restaurant would allow more people to enjoy the gateway to the park.

Commissioner Dearman, noting that the restaurant would have banquet facilities which could be used for meetings, remarked that she did not feel that the 35 off-street parking spaces which were being proposed would be sufficient to accommodate the restaurant's usual clientele as well as individuals who might be attending meetings on the site. Mr. Krystal replied that the Parking Authority operates a public parking lot on 20th Avenue north of Irving Street; and he indicated that that lot is rarely used during evening hours. In any case, since clients of the restaurant would ordinarily arrive in groups of two or three, he felt that the 35 off-street parking spaces which were being proposed would be sufficient.

Commissioner Finn inquired about the ultimate seating capacity of the proposed restaurant. Mr. Krystal replied that the restaurant would accommodate approximately 105 seated guests.

Rosita Panol, 1269 19th Avenue, remarked that 19th Avenue is basically residential in character; and the proposed restaurant and bar, which might serve customers until 2:00 a.m., would be incompatible with the residential character of the area. Furthermore, a school is located within one block of the subject site; and she felt that it would be inappropriate to locate a bar so near to the school. She advised the Commission that residents of the subject neighborhood had previously opposed construction of a McDonalds Restaurant (Sic) on 19th Avenue at Irving Street; and she felt that thousands of signatures could be gathered on petitions in opposition to construction of the proposed restaurant and bar.

Commissioner Starbuck inquired about the nature of the uses in the subject block. Robert Feldman, Planner II, replied that the block is developed with nine one-family and seven two-family dwellings; five four-unit, one six-unit and two eight-unit apartment buildings; fifteen stores, primarily along Irving Street; and the subject gasoline station. He remarked that another gasoline service station with a 1982 termination date is located across the street from the subject property on the southeast corner of 19th Avenue and Lincoln Way; however, he had not made a survey of other uses in that block.

Angelo Delacarte, owner of the subject property and operator of the existing service station, stated that many of his customers ask where to find a good restaurant; and he has had to refer them to other neighborhoods.

Mike Salerno, representing the Irving Street Merchants Association stated that his organization distributes a newspaper; and he indicated that the newspaper had carried several articles about the proposed restaurant so that residents of the neighborhood would be informed of the proposal. He stated that his organization was interested in upgrading the neighborhood; and they felt that the proposed restaurant would be an asset for the area. He indicated that the merchants had opposed previous proposals for fast-food restaurants in the area; however, he felt that the proposed restaurant would serve residents of the neighborhood. Alternate uses for the site had been analyzed. Single-family housing would be too costly for middle-class families. Apartment buildings would have a tendency to attract transients to the area. Other businesses might tend to cater to the needs of people other than residents of the neighborhood. He emphasized that the proposed restaur-

rant would have off-street parking spaces and it would provide jobs; and he felt that the public parking lot on 20th Avenue would accommodate any overflow from the restaurant's own parking lot. He expected that the restaurant would cause some traffic problems; however, he doubted that it would attract nearly as many automobiles as the gasoline service station which presently occupies the site. In conclusion, he stated that the application was supported by the Sunset Improvement Club, the Sunset Parkside Education and Action Committee (SPEAK), the Inner Sunset Action Committee (ISAC), the Sunset Heights Improvement Club, the Judah Street Merchants Association, the Noriega Street Merchants Association, the Irving Street Merchants Association, and Mrs. Violet Gallagher, a resident of the neighborhood for 48 years and the wife of a former supervisor.

Ed Weil, representing the Sunset-Parkside Education and Action Committee (SPEAK), advised the Commission that the Board of Directors of his organization had endorsed the project proposed by the applicant. Some new development will ultimately take place on the subject property; and the proposed restaurant would be less objectionable than other uses which might arise, such as fast food restaurants. Even an apartment building would generate traffic problems. The subject property is located at a busy intersection; and, rather than face future fights over projects which might have a harsher impact on the area, his organization had decided to endorse the proposed restaurant which was pleasantly designed and which would have adequate parking.

Mrs. Joseph Call, 1831 Lincoln Way, asked if the figure of 105 persons which Mr. Krystal had given as ultimate seating capacity of the restaurant included the banquet rooms and the bar. Mr. Krystal replied that the figure had not included the seats in the banquet room. Those seats would bring the total capacity of the facility to 148.

Mrs. Call noted that a number of residents of the subject neighborhood had signed petitions in opposition to the proposed restaurant; and she indicated that she represented those individuals as well as herself. She remarked that the intersection of 19th Avenue and Lincoln Way is one of the most heavily traveled intersections in the city; and the proposed restaurant and lounge would add to existing congestion and cause interference with the loading and unloading of Municipal Railway buses. She emphasized that the property is zoned for residential use; and she felt that it should be developed residentially. The 35 off-street parking spaces which would be available for the restaurant might be used by employees and by customers of the cocktail lounge; and, under such circumstances, there would be no place for patrons of the restaurant to park. She remarked that the City Planning Commission had previously disapproved a permit for a fast-food restaurant on commercially-zoned property on Irving Street because of the traffic problems which it would have caused; and she noted that that property is located only one block from the subject site. If there is need for a restaurant in the subject neighborhood, she felt that it should be located in a commercial district and that the subject property should be reserved for residential use. In conclusion, she advised the Commission that almost 300 individuals who live within a 300 foot radius of the subject property had signed petitions in opposition to the proposal.

Marie Chambers, 1552 20th Avenue, inquired about the seating capacity of the bars in the proposed building. Mr. Krystal replied that the bars would seat approximately 25 persons.

Ms. Chambers then observed that customers of the bars could occupy a great many of the parking spaces which would be available on the site. She stated that she would like to have a nice restaurant in the neighborhood; but she felt that it should be located in a commercial district rather than on residentially-zoned property. Families are leaving San Francisco; and she felt that it was important to preserve the quality of the city's residential neighborhoods. While the applicant had contacted various neighborhood organizations and merchants groups, he had not contacted individuals who reside within a 300 radius of the subject property. She doubted that a quality restaurant could survive if it had to rely exclusively on patronage from the subject neighborhood; and transient business would have a harmful impact on the neighborhood. She urged that the application be disapproved.

Mildred McGovern, a resident of the neighborhood, stated that an apartment house might be acceptable on the subject site; but she was totally opposed to construction of the proposed restaurant. In fact, she would prefer to have the existing gasoline service station continue in operation rather than to have it replaced by a restaurant because the service station can be used by anyone. She emphasized that 19th Avenue is a highway; and development of a traffic-generating use such as the proposed restaurant on the subject site would create a severe hazard.

Mrs. Robert Mosher, 1338 32nd Avenue, remarked that the Sunset district already has restaurants to serve the needs of its residents. She also noted that the rendering of the proposed restaurant which had been prepared by the applicant showed only two automobiles at the intersection of 19th Avenue and Lincoln Way; and she indicated that she had never seen so few automobiles at the intersection.

Mr. Krystal stated that he had not intended to disguise the fact that 19th Avenue and Lincoln Way is an extremely busy intersection. While properties in the immediate vicinity of the subject site are zoned for residential use, he indicated that many of those properties are being used commercially; and he distributed photographs which he had taken of commercial buildings in the area. He also acknowledged that other restaurants do exist in the Sunset district; but he hoped that the proposed restaurant would be the best of the lot. He remarked that the Urban Design Element of the Master Plan states that "strong and organized development adjacent to parks creates an effective contrast and makes the street space between the two a pleasing space to be in"; and he proceeded to cite additional policies from the Urban Design Element which were relevant to the proposed project. No project could reduce traffic congestion in the area; however, he did not feel that the proposed restaurant would significantly add to the congestion. He stated that automobiles would enter the site from a driveway on Lincoln Way and would exit onto 19th Avenue; and he believed that the stoplights at the intersection would allow automobiles to exit from the site without interrupting traffic on 19th Avenue.

Mr. Steele recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

It was moved by Commissioner Finn and seconded by Commissioner Rosenblatt that the draft resolution be adopted.

Commissioner Finn observed that residents of the subject neighborhood had been unanimously opposed to a Doggie Diner and a McDonalds Restaurant which had been proposed for the area in the past. In the present case, the sentiments which had been expressed were somewhat mixed. All things considered, he felt that the proposed restaurant would be the most reasonable use for the subject property.

President Lau remarked that both proponents and opponents had offered valid arguments; and he observed that it was difficult to make a decision under such circumstances. He remarked that the Commission had been criticized as being "anti-growth"; but he believed that the Commission had demonstrated that it is not "anti-growth" when projects have been designed in such a way as to enhance the city. He believed that the proposed project would benefit the neighborhood and the city; and he stated that he would vote in favor of it.

Commissioner Starbuck stated that he intended to vote against the motion. While he acknowledged that the proposed restaurant might be more appropriate for the site than the existing gasoline service station, he noted that the property is zoned for residential use; and he emphasized that residential uses predominate in the area. Residential builders have been complaining that they are finding it increasingly difficult to satisfy the demand for new housing; and, under the circumstances, he felt that the subject property would ultimately be developed for residential use if the subject application were to be disapproved. While the subject property is located at an intersection which carries a large amount of traffic, he remarked that a comparable amount of traffic can be found at the intersection of Broadway and Van Ness Avenue; and he noted that a new housing development for Senior Citizens is in operation at that location. Under the circumstances, he did not feel that the traffic at the subject intersection would lessen the potential for development of housing on the subject site.

When the question was called, the Commission voted 5 to 1 to adopt the draft resolution as City Planning Resolution No. 7534 and to approve the application subject to the conditions which had been recommended by Mr. Steele. Commissioners Dearman, Elliott, Finn, Lau, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

CU76.26 - 900 POLK STREET, NORTHEAST CORNER OF O'FARRELL STREET.
REQUEST FOR AUTHORIZATION TO CONVERT A 1½ STORY BUILDING
TO USE AS A MINI-WAREHOUSE FOR HOUSEHOLD GOODS; IN A C-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is presently occupied by the parts and service departments of a new car agency. The applicant proposed to convert the portion of the building used as a service department to use as a warehouse for household goods to serve the general public. The 5,000 square feet of retail space along Polk Street would be retained. A sprinkler system would be installed; and eight off-street parking spaces would be maintained in the building for employees and customers. The applicant had estimated that an average of two or three customers would visit the warehouse facility each business day. In conclusion he stated that a storage building for household goods, commonly referred to as a mini-warehouse, could be authorized only as a conditional use in a C-2 district.

President Lau asked if anyone were present in the audience in opposition to the subject application and received a negative response.

Mr. Steele recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7535 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU76.27 - 755 FONT BOULEVARD, SOUTHWEST LINE, 400 FEET SOUTHEAST OF
LAKE MERCED BOULEVARD.
REQUEST FOR AUTHORIZATION FOR A MONTESSORI SCHOOL FOR 35 CHILDREN,
AGED TWO TO SIX YEARS, IN A PORTION OF AN EXISTING RECREATIONAL
BUILDING; IN AN R-3 (PROPOSED PR) DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is occupied by the Park Merced Recreation building on a one-half acre recreation parcel. The applicant was requesting authorization to use two rooms in the building, totaling 1,596 square feet of floor area, for a nursery and day-care center for 35 children ranging in age from two to six years.

President Lau absented himself temporarily from the meeting room and Vice President Rosenblatt assumed the Chair. Vice President Rosenblatt asked if anyone were in the audience in opposition to the subject application and received a negative response.

Mr. Steele recommended that the application be approved subject to one condition specifying that the authorization was for a Montessori Pre-school program for a maximum of 35 children between two and six years of age.

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7536 be adopted and that the application be approved subject to the condition which had been recommended by Mr. Steele.

At this point in the proceedings, President Lau returned to the meeting room reassumed the Chair.

R76.11 - REVOCABLE ENCROACHMENT PERMIT FOR PRIVATE PARKING IN HUNTERS
POINT REDEVELOPMENT PROJECT, SITES A AND B.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), reported on this matter as follows:

"The proposal is to provide Planning Code-required parking for a 304-unit residential Planned Unit Development in central areas, rather than on individual lots as prescribed by the Code. Fifty-eight parking spaces would be located within a publicly-owned area immediately adjoining the developed public right-of-way. The Zoning Administrator has granted a variance for this purpose.

"The City Planning Commission approved Conditional Use Application No. CU69.39 for a Planned Unit Development in the Hunters Point Redevelopment Project, July 10, 1969, by Resolution No. 6404, with a condition being the provision of 365 spaces in a combination of on-site and on-street parking. The subject proposal complies with Resolution No. 6404 and the intent of the Planning Code, thereby promoting housing objectives in the Master Plan."

Mr. Steele then recommended that the Commission find that the granting of the revocable encroachment permit would not affect the Master Plan provided that the Redevelopment Agency and its successors in interest shall design and landscape and maintain the on-street parking areas in a form compatible with the approved housing

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the Director be authorized to report that the granting of a revocable encroachment permit for parking at the Hunters Point Redevelopment Project, as indicated on the one sheet preliminary plan for the new Hunters Point Community, San Francisco Redevelopment Agency, entitled "Phase II Parking Layout, Site A and Site B," and dated January, 1976 (File No. 1843-090), does not affect the Master Plan, provided that the Redevelopment Agency

and its successors in interest shall design, landscape and maintain the indicated on-street parking areas in a form compatible with the approved housing.

DR76.17 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 447824
FOR A DOGGIE DINER AT THE NORTHEAST CORNER OF 10TH AND MISSION
STREETS.

(Under Advisement from meeting of July 8, 1976.)

James Hirsch, Planner II, made the following report concerning events which had taken place since this matter was taken under advisement by the Commission on July 8:

"Subsequent to the July 8th hearing, the staff of the Department of City Planning met with the applicant to resolve a compromise solution as directed by the Planning Commission in their continuance of this proposal. The staff recommended that a primarily pedestrian oriented facility having eight parking spaces and automobile egress and access only from Tenth Street be considered which would allow automobile access during non-peak traffic hours when pedestrian activity might not otherwise be sufficient to make operation of the facility feasible. The applicant indicated that this recommendation was unacceptable and that the only feasible modification to the original proposal would be to eliminate egress onto Mission Street while retaining access from Mission Street, parking for fifteen automobiles and egress and access from Tenth Street.

"Subsequent to the July 8th hearing, re-study of the proposed facility by the Municipal Railway management indicated possible modification to the Operations Staff opinion on egress and access from Mission Street.

"Subsequent changes in the proposed Transit Preferential Street Program indicate that a seventeen foot three inch exclusive bus lane will be in operation on Mission Street directly in front of the proposed facility. Initially, this lane will be used only during peak hours; however, this lane may be expanded to twenty-four hour operation in the future. Conflicts between automobiles and transit would result if access or egress from the proposed facility occurred on Mission Street.

"Subsequent to the July 8th hearing, it has come to the attention of the staff of the Department of City Planning that a totally pedestrian oriented facility owned and operated by Doggie Diner, Inc. has been in operation in the City of Oakland at the corner of Broadway and Telegraph Avenues for thirteen years. This facility has no off-street parking spaces and is located in an area of mid-to-high rise development similar to the proposed Tenth and Mission Street facility."

Commissioner Starbuck asked how the applicant would propose to prevent automobile egress from the site onto Mission Street. Mr. Hirsch replied that he expected that the driveway would be relatively narrow and may be posted with a sign prohibiting egress.

Richard Ablon, Director of Planning for Ogden Food Service Corporation, stated that 22 parking spaces had been originally proposed for the subject site. The number of proposed parking spaces was later reduced to fifteen. The staff of the Department of City Planning was recommending that the number of off-street parking spaces be limited to eight spaces; and he indicated that he considered the issue to be one which was still open for discussion. The staff was also concerned about access to the site from Mission Street. The Municipal Railway had stated that access to the site from Mission would not interfere with Municipal Railway service; and, while the applicant believed that no problems would develop even if both access and egress were to be provided on Mission Street, they had agreed to settle for access only from that street. Mr. Ablon stated that Doggie Diner operates eleven facilities in the Bay Area; and none of those facilities have experienced any problems with backed-up traffic. He stated that he would be willing to consider a further reduction in the number of parking spaces proposed on the site; and he hoped that the Commission would be willing to experiment with automobile access from Mission Street. If problems should result because of the Mission Street, he promised that he would have that driveway closed during rush hour if the problem should persist after three months of study. He remarked that two proposals for new Doggie Diner facilities in San Francisco have been disapproved by the City Planning Commission in the last year; and, as a result, the firm has had to lay off some of its employees. He stressed that approval of the proposed facility was very important to his firm. He doubted that the proposed facility would cause any problems; and he urged the Commission to allow the project to proceed on a trial basis.

Commissioner Finn inquired about the length of the applicant's lease on the subject property. Mr. Ablon replied that his firm had obtained a ten year lease with a five year option.

Commissioner Starbuck asked when patronage would be highest at the facility. Marvin Mohr, General Manager of Doggie Diner, replied that it was expected that the highest level of patronage would be during the evening hours.

Commissioner Rosenblatt asked if Doggie Diner operates facilities in similar locations in other communities. Mr. Ablon replied in the negative, indicating that the location of the Oakland facility which had been referred to by Mr. Hirsch was, in fact, unique. If parking were not to be provided on the subject site, he believed that there would be a greater likelihood that traffic problems would develop.

Commissioner Rosenblatt then observed that the Bank of America Computer Center, which will have more than 2000 employees, will be open on a 24-hour basis. In addition, the new State Compensation Fund Building will bring a large number of people to the area. Under the circumstances, he felt that the proposed facility may have a great deal of walk-in trade.

Mr. Mohr stated that Doggie Diner had at one time operated a pedestrian-oriented facility on Market Street between 6th and 7th Streets; but he indicated that that facility had been unsuccessful.

Commissioner Rosenblatt then asked if the applicants would be willing to change the design of the proposed facility to try to attract more pedestrian traffic if the number of parking spaces were to be reduced. Mr. Ablon replied in the affirmative, indicating that he and his associates wished to attract pedestrian traffic; however, he believed that it would be a mistake to reduce the amount of parking on the site too much initially. If experience should prove that more additional outdoor tables would be desirable, consideration could be given to the possibility of removing additional parking spaces at that time.

Commissioner Starbuck, noting that the applicants had indicated that the facility would enjoy its highest level of patronage during the evening hours, inquired about the availability of on-street parking in the area at night. Alan Lubliner, City Planning Coordinator, replied that on-street parking spaces are generally available after the evening rush hour.

Commissioner Rosenblatt inquired about the location of the garage for the new Bank of American Data Center. Mr. Lubliner replied that the garage would front on Mission Street but would have no driveways on that street. The driveways would be located on 11th and 12th Streets.

Rai Y. Okamoto, Director of Planning, remarked that construction has just begun on the Bank of American Data Center; however, he expected that there will be a great deal more pedestrian traffic in the area after it is completed.

Mr. Ablon stated that his firm would consider reducing the number of off-street parking spaces on the site to eight if pedestrian traffic should increase in the future; however, since the facility would be opened on a 24-hour basis, he felt that it would be a mistake to remove all off-street parking spaces from the site.

President Lau asked the staff to comment on Mr. Ablon's offer to close the Mission Street driveway during rush hours if traffic problems should develop after the facility is in operation. Mr. Hirsch replied that the staff was of the opinion that it would not be possible to enforce a rush hour closing on a day-to-day basis.

President Lau acknowledged that it might be difficult to enforce such a closing if the operators of the facility were to be uncooperative; however, in view of the fact that Doggie Diner may wish to open additional facilities in San Francisco in the future, he expected that the firm would be cooperative.

Mr. Ablon stated that it was clear to him that the facility would be "under a microscope".

Commissioner Finn remarked that the new Transit Preferential Treatment being recommended for Mission Street would permit right turns into businesses along the

street; and while he felt that egress from the subject site onto Mission Street might cause a problem, he did not feel that right turns onto the property from Mission Street would interfere with Municipal Railway bus service. However, if temporary physical barriers were to be installed across the Mission Street driveway during rush hours, he believed that such barriers would be helpful.

Mr. Lubliner stated that the staff of the Department of City Planning had consistently tried to discourage automobile-oriented uses on Mission Street; and, on certain occasions, such as with the garage for the Bank of America Data Center, the staff had been successful in limiting automobile access to and from Mission Street. In other cases, applicants had assured the staff that no traffic would result; but once those uses had become established, they had objected to traffic changes which were proposed to improve the movement of transit vehicles. If the Commission were to allow a driveway on Mission for the proposed use, he felt that the driveway should be used for egress from the site rather than access to the site so that stacking problems could be avoided.

Commissioner Starbuck stated that he believed that action by the Commission approving a driveway for the proposed use would be irrevocable; and he felt that the Commission had an obligation to look to the future and to consider how its action might eventually affect transit service on Mission Street. In his opinion, no driveway should be authorized on Mission Street for the proposed use. However, if a driveway were to be authorized, he suggested that the Commission should accept the recommendation of the staff and specify that the driveway should be used only for egress from the site and not for access purposes.

The Director recommended that the building permit application be approved subject to conditions which would require reduction in the number of parking spaces, installation of landscaping on the site, and blocking of the Mission Street driveway during rush hours.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that he felt that the subject property would be appropriate for the proposed use providing that outdoor dining and the pedestrian-orientation of the facility be emphasized. He felt that any automobile access or egress along the Mission Street frontage of the site would be undesirable. He suggested that the best approach for the Commission to take might be to approve the building permit application with a condition restricting automobile egress and access to 10th Street only; and, if the applicant should find that a driveway is needed on Mission Street in the future after the Mission Street Transit Preferential Plan has been put into effect, the Commission could consider modifying its authorization.

Commissioner Dearman, noting that the original staff recommendation had called for approval of eight off-street parking spaces on the site, asked how that number had been selected. Mr. Hirsch replied that most of the other Doggie Diners facilities in San Francisco have only eight or nine parking spaces; and, since those facilities seem to be successful, the staff had concluded that the same number of spaces would be appropriate for the proposed facility.

Mr. Ablon requested that 12 off-street parking spaces be authorized for the site since fewer parking spaces might cause back-up problems.

Commissioner Starbuck moved that the building permit application be approved subject to the following conditions:

- "1. Plans for the site as a primarily pedestrian oriented facility having parking for eight spaces, with automobile egress and access from Tenth Street only, be developed in consultation with and receive approval by the staff of the Department of City Planning.
- "2. Plans for the building shall be developed in consultation with and receive approval by the staff of the Department of City Planning. Special attention to be given to substantial scale and facade design that is architecturally consonant with the downtown general commercial character of the surrounding area.
- "3. Street trees and other landscaping shall be installed in general conformity with a scheme developed in consultation with the Department of City Planning.
- "4. Bicycle parking spaces with racks should be provided."

Commissioner Starbuck stated that he had made his motion with the understanding that the applicant could return to the Commission after the Mission Street Transit Preferential Plan has been put into effect to request reconsideration of the proposal for a driveway on Mission Street.

The motion was seconded by Commissioner Elliott.

Commissioner Finn moved that the motion be amended to provide that an access driveway be authorized on Mission Street. He felt that the best procedure would be to allow the applicant to install the driveway so that everyone would have an opportunity to see whether the driveway does in fact cause problems; and, if problems should arise, the matter could be reconsidered by the Commission. The motion failed for want of a second.

Commissioner Finn then suggested that a fifth condition should be established to clarify the fact the prohibition of a driveway on Mission Street would be subject to reconsideration by the Commission on the request of the applicant after the Mission Street Transit Preferential Plan has been put into effect. It was then moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried 5 to 1 that the main motion be modified to include a fifth condition reading as follows:

"In approving this application without vehicular access or egress from Mission Street, the City Planning Commission recognizes the applicant's desire for such vehicular access and hereby declares its willingness to reconsider the question of access and egress from Mission Street not less than six months after the commencement of the business activity on the subject property and not less than three months after the installation and commencement of operation of the proposed transit preferential lane treatment on Mission Street. The applicant may initiate reconsideration by filing a building application to modify the facility as originally constructed and by submitting to the Zoning Administrator written statements to show that additional access or egress is necessary for the operation of the business."

Commissioner Dearman, Elliott, Finn, Rosenblatt and Starbuck voted "Aye"; Commissioner Lau voted "No".

When the question was called on the main motion as amended, the Commission voted unanimously to adopt Resolution No. 7537 and to approve the building permit application subject to the five conditions which had been stated.

CONSIDERATION OF PROPOSED TRANSIT PREFERENTIAL PLAN FOR MISSION STREET IN THE DOWNTOWN AREA.

(Under Advisement from meeting of July 22, 1976.)

Jonathan Twichell, Transit Planner III, stated that the staff had conferred with the representatives of the Municipal Railway, the Municipal Railway Drivers Union, and the San Francisco Planning and Urban Renewal Association (SPUR); and they all had agreed that the alternate plan which had been proposed would be acceptable. One change had been made in the plan. Whereas the last plan which had been discussed with the Commission had called for six traffic lanes between 4th and 11th Streets, the plan had been changed to provide a 17 foot 3 inch curb lane for automobiles and parking which would become a "bus only" lane during rush hours.

Haig Harris, representing operators of businesses on Mission Street, stated that he had not had an opportunity to discuss the change with his clients. However, the change seemed reasonable to him; and he indicated that his clients had tended to accept his advice in the past.

He recommended that the Commission endorse the plan and that it urge the Public Utilities Commission and Board of Supervisors to take similar action. If all parties involved could reach agreement on the revised plan, he felt that the necessity for further hearings before the Board of Supervisors could be circumvented.

Gilbert Sams, representing the Department of Public Works, expressed support for the revised plan and indicated that it would be easy to modify if any problems should arise.

Bud Bowen, representing the Goodyear Tire Company, indicated that he was reasonably confident that merchants on Mission Street would find the revised plan to be acceptable.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7538 be adopted with the following resolves:

"NOW THEREFORE BE IT RESOLVED, That this Commission reaffirms its support of the Transit First Policy of the City and County of San Francisco;

"AND BE IT FURTHER RESOLVED, That this Commission endorses the alternative transit preferential street treatment proposed for that segment of Mission Street between 11th and Beale Streets as shown on diagram "A" prepared by the City Planning Department and dated August 5, 1976;

"AND BE IT FURTHER RESOLVED, That this Commission requests the San Francisco Board of Supervisors to approve said alternative transit preferential street treatment for Mission Street."

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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- SAN FRANCISCO
- CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, August 12, 1976.

The City Planning Commission met pursuant to notice on Thursday, August 12, 1976, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Lucian Blazej, Planner IV; Wayne Rieke, Planner IV (Zoning); Robin Jones, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Alan Cline represented the San Francisco Examiner and Dan Borsuk represented the San Francisco Progress.

EE75.198 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN FRANCISCO EXECUTIVE PARK, CANDLESTICK COVE:
OFFICE PARK WITH HOTEL AND ACCESSORY COMMERCIAL USES.
(Under advisement from meeting of July 22, 1976)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), presented and reviewed the summary of comments and responses relating to the Draft Environmental Impact Report.

After discussion, it was moved by Commissioner Mellon and seconded by Commissioner Finn that the report be certified as complete.

Commissioner Dearman asked to be excused from voting on this matter. After discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that Commissioner Dearman be allowed to abstain from voting on this matter.

When the question on the main motion was called, the Commission voted unanimously to adopt Resolution No. 7542 with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated August 12, 1976, concerning EE75.198, San Francisco Executive Park, Candlestick Cove; office park with hotel and accessory commercial uses, requiring ZM76.3, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will have a significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under Application No. ZM76.3 does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report."

Commissioner Dearman abstained from voting.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Frederick R. Tooker, a court reporter, was present and will provide a transcript of the meeting which will be available in the files of the Department of City Planning.

PUBLIC HEARING AND CONSIDERATION OF DRAFT RESOLUTION ON PROPOSED AMENDMENTS TO THE MASTER PLAN OF THE CITY AND COUNTY OF SAN FRANCISCO IF THE SAN FRANCISCO EXECUTIVE PARK IS TO BE APPROVED.

ZM 76.3 - SOUTH BAYSHORE AREA, NORTHWEST SIDE OF HARNEY WAY, ADJACENT TO AND EAST OF HIGHWAY 101.

PROPOSED CHANGE OF THE USE (ZONING) CLASSIFICATION FROM M-1 (LIGHT INDUSTRIAL) AND R-1 (ONE-FAMILY RESIDENTIAL) TO C-2 (COMMUNITY BUSINESS) AND, FOR A PORTION OF SAID PROPERTY, FROM 40-X TO 230-G HEIGHT AND BULK DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), advised the Commission that the applicant had requested permission to have a court reporter present to transcribe the remainder of the Commission's meeting. It was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the request be granted providing that the Commission is given a copy of the transcript.

George P. Yerby, the applicant, stated that construction of the proposed project would represent the first privately-financed major development in the south-east portion of San Francisco during the past seventeen years. He stated that he had discussed the proposed change in height with the Director of Planning. He indicated that he was not "wedded" to the concept of two 15-story towers; and he advised the Commission that he would be willing to explore alternate concepts providing that the "density envelope" being requested were approved. However, he emphasized that his financing might be jeopardized if the use district and height limit changes which were being requested were disapproved by the Commission. Therefore, he urged that the application be approved. In any case, he noted that the Commission would have a right to undertake a discretionary review of the project when final plans are prepared and an application has been made for a building permit. He advised the Commission that he had recently hired the architectural firm of Anshen & Allen to prepare final plans for the project; and, in addition, he had prepared an affirmative action policy statement which had been accepted by

the Bayview Hunters Point Community Coordinating Council. In conclusion, he stated that his option on the property expires in 45 days; and he felt that the Commission's approval of his application would give tangible evidence of the city's support of the project.

Commissioner Starbuck noted that the South Bayshore Plan which had been prepared by the Department of City Planning in 1969 had called for development of housing on the subject site; and he quoted from that plan as follows: "The hillside and waterfront housing around Candlestick Cove, situated as it is at a gateway to the city, is intended to vitalize this quarried area so that it will be in aspect and in fact an epitome of the urban nature and diversity of San Francisco". In his opinion, the applicant was requesting a rather major change from what had been previously recommended by the staff of the Department of City Planning.

Commissioner Mellon observed that no development has taken place on the site since the recommendation for housing was made seven years ago.

Commissioner Finn asked the applicant if he felt that he could provide employment for people in the subject neighborhood and still make a profit. Mr. Yerby replied in the affirmative and indicated that he had distributed to members of the Commission a copy of his affirmative action policies. He stated that the project would offer an alternative to downtown San Francisco; and he believed that it would be successful.

Commissioner Finn then asked if the project would continue to offer jobs to residents of the neighborhood after the construction phase has been completed. Mr. Yerby replied that he was confident that his tenants would be willing to cooperate with him in implementing his affirmative action policies. He stated that a market analysis which had been conducted for him had indicated that housing would not be an appropriate use for the subject property; and he remarked that residents of the neighborhood were adamantly opposed to any type of housing on the site. On the other hand, the market analysis had indicated that an office complex, offering an alternative to downtown San Francisco, would be viable.

Commissioner Starbuck acknowledged that residential development of the property might be financially risky; however, the fact remained that the applicant was requesting a major change from what had been previously recommended by the staff. In addition, the proposed project would have almost twice the number of off-street parking spaces that the City Planning Code would require; and he questioned whether such an irreversible commitment to the automobile would be a rational thing to do. Finally, he indicated that he was concerned about the fact that the applicant was requesting the Commission to raise a height limit for the first time in San Francisco. He remarked the move was unprecedented; and, if the application were approved, it would almost represent a "loss of virginity" for San Francisco.

Mr. Yerby replied that the existing height limit on the subject property has been in effect for only four years. In regard to the issue of parking, he stated that individuals were present in the audience who would testify to the effect that

the amount of off-street parking proposed would be inadequate. He stated that he intended to run a shuttle-bus service between the project and downtown San Francisco for the convenience of his tenants; and a proposal had been made for shuttle-bus service between the site and a BART station.

Commissioner Mellon stated that it was apparent that the proposed project would have a significant impact relative to the issues which had been raised by Commissioner Starbuck. However, he remarked that he could not remember when a project had come before the Commission with so much neighborhood backing; and he felt that that was an important point to consider.

Mr. Yerby stated that the reason for the neighborhood support was that the proposed project would offer an opportunity to improve a blighted area and would provide jobs. The project would also enhance the southern entrance to the City.

Commissioner Bierman, noting that the Environmental Impact Report for the proposed project had stated that the project would bring north-bound traffic on the Bayshore Freeway during the morning rush hour to capacity, stated that she felt that the clogging of the freeway would be a major problem; and, under the circumstances, she hoped that the applicant would be willing to encourage car and van-pooling and other similar programs to reduce the amount of automobile traffic to and from the site.

Mr. Yerby stated that he would be willing to make such a commitment in writing and remarked that his tenants would benefit from such programs, also.

Commissioner Rosenblatt asked the applicant to elaborate on his statement to the effect that he would be willing to consider alternatives to the 15-story towers providing that the requested density were approved.

Mr. Yerby stated that several alternative designs had been discussed; and he repeated that he was not "wedded" to the concept of two 15-story towers. However, the Environmental Impact Report had to focus on a specific design; and the two tower concept had been selected for that purpose. While he would be willing to consider alternate designs for the project, he felt that a negative action by the Commission on the request for a 230 foot height limit would greatly jeopardize his financing.

Commissioner Rosenblatt stated that he did not understand how financing would be jeopardized if an alternate design were developed which would provide the same amount of floor area; and he noted that the possibility of such an alternative had been mentioned in the Environmental Impact Report. That alternative would use only 1 1/2% more of the site; and it did not seem logical to him that a lender would have a negative reaction to such a proposal.

Mr. Yerby replied that the alternate project which had been mentioned by Commissioner Rosenblatt would cost substantially more to construct; and he believed that the towers would be more efficient. He assured the Commission that he would work diligently to come up with a better design if favorable action were taken on the request for a 230 foot height limit.

Commissioner Mellon asked Mr. Yerby if he was telling the Commission that he would lose his financing unless the 230 foot height limit were approved. Mr. Yerby replied that he believed that the financing would be jeopardized if the height limit were not changed.

Commissioner Finn, noting that Mr. Yerby had stated that the alternate project mentioned by Commissioner Rosenblatt would be more expensive to construct, asked if he was implying that it is cheaper to build upwards than to build sideways. Mr. Yerby replied that tower construction would be less expensive on the subject site.

Commissioner Rosenblatt asked Mr. Yerby if his lenders had stated that they would not finance the project if it does not involve the construction of two 15-story towers. Mr. Yerby replied in the negative but indicated that he had received a letter from the lender stating that any changes in the plans would reduce the lender's interest and possibly jeopardize the project.

Commissioner Starbuck remarked that the Environmental Impact Report had estimated that between 50% and 60% of the people employed in the completed project would be commuters; and, although the applicant might make an effort to increase the number of local employments, he felt that the chances of that happening were remote. He noted that the courts had recently ruled that local hiring practices cannot be enforced; and, in any case, larger projects tend to hire fewer local minority people.

Bill Keller stated that he would be in charge of implementing the applicant's affirmative action program; and, since the Building Trades Council had signed the memorandum agreement which had been prepared, he did not anticipate any problems in the area of minority hiring.

Stanley Smith, representing the San Francisco Buildings Trade Council, stated that his organization had been working with the Bayview Hunters Point Affirmative Action Program for the past seven years; and he saw no reason why the applicant should have any difficulty in employing unemployed residents of the neighborhood.

Commissioner Bierman inquired about the date of the letter which the applicant had received from his lender stating that any deviation in the plans might jeopardize the project; and, on being advised that the letter had been dated August 2, she asked if the applicant had had any more recent conversations with his lender. Mr. Yerby replied in the affirmative and indicated that he expected that the lender would allow some flexibility in the project assuming that the zoning and height limit package is approved as requested.

Commissioner Mellon asked Mr. Yerby if he felt that it would be necessary to have authorization for two 15-story towers in order to obtain financing for the project. Mr. Yerby replied in the affirmative.

Henry Schindel, operator of a business in Visitacion Valley, stated that Merchants in the area were united behind the project and felt that it would bene-

fit the neighborhood. The applicant was requesting zoning changes; and he felt that the Commission, which has responsibility for zoning, should be prepared to adjust its zoning pattern to meet the city's changing needs. Although Commissioner Starbuck had remarked that the city had not previously been asked to change a height limit upward, he expected that such requests will come before the Commission in the future. If the subject property is not adequately served by public utilities at the present time, it will be by the time project is constructed. While the project might block some views of Bayview Park, he did not feel that that would be a great loss.

The project would generate automobile traffic; but the impact of that traffic could be mitigated if employees on the site were to have staggered hours. While the applicant had expressed a willingness to consider changes in his plans, he felt that any changes might jeopardize the financing for the project. The project would provide training opportunities for youth from the area. He advised the Commission that employees of Schlage Lock patronize merchants in Visitation Valley; and he believed that employees of the proposed project would patronize neighborhood merchants as well. Finally, he noted that the proposed project would provide the city with a great deal of tax revenue.

Another resident of Visitation Valley stated that 99.9% of the people with whom he had discussed the proposed project had expressed their endorsement of it; and he felt that the project would be good for the neighborhood. While high-rise buildings which had previously been constructed in the area were "disastrous", he felt that the high-rise buildings being proposed for the subject site would be appropriate, especially since they could be constructed without disturbing the hillside.

At 9:15 p.m. President Lau announced a 20-minute recess. The Commission reconvened at 9:35 p.m. and proceeded with hearing of the remainder of the agenda.

James Fields, representing the Bayview Hunters Point Affirmative Action Program, stated that he had participated in the drafting of the affirmative action policy statement which had been given to members of the Commission; and, since the applicant had put his affirmative action policies in writing, he would be bound to implement them.

Stanley Smith, representing the San Francisco Building Trades Council, stated that the Commission must consider factors other than jobs when reviewing a proposed development; and he indicated that he would not appear before the Commission to support a project which he felt would be bad for San Francisco. However, he indicated that he was proud to endorse the proposed project. He stated that at least one-third of the membership of his union is unemployed, and between 25 and 30% of the remainder are under-employed. Furthermore, he remarked that every construction job results in the creation of six other jobs. While Commissioner Starbuck had expressed concern about the requested change of zoning, Mr. Smith noted that the Commission had recently "down-zoned" most of the residential properties in the city after only a few hours consideration; and if "down-zoning" could be accomplished so easily, he felt that the applicant's request for re-zoning should be given serious consideration, also.

Cathy Harrison, representing the Parent-Teacher group of Our Lady of Visitation School, stated that members of her organization were enthusiastic about the proposed development; and she remarked that the Commission should not presume to tell residents of the subject neighborhood what is best for them. Members of her group did not object to the 15-story buildings since they would not block anyone's view; and she felt that the development should be authorized immediately without further study or delay so that residents of the neighborhood will enjoy the benefits which the project will provide. In reply to questions raised by Commissioner Finn, Ms. Harrison stated that she was confident that the affirmative action policies which had been subscribed to by the applicant would assure that jobs will be available to residents of Visitacion Valley. Although she had not read the affirmative action policies, she stated that she was generally familiar with the nature of the policies.

Rosemary Contreras, representing the Visitacion Valley Junior High Parent Faculty Group, remarked that the Candlestick Cove area has always been a "garbage dump" in spite of the construction of Candlestick Park; and she felt that it was time for the property to be improved. While she was aware that the applicant could not promise jobs to any specific individuals, she pointed out that the project will inevitably employ some individuals who are presently unemployed. She felt that the project would benefit the neighborhood.

Ethyl Garlington, 3 Maddox Avenue, remarked that the southeast section of the city has traditionally had to put up with undesirable uses such as sewage treatment plants, garbage dumps, and automobile wrecking yards. For the first time, an attractive project was being proposed for the area; and she hoped that it would be approved during the course of the present meeting.

Stewart Bloom stated that he doubted that the proposed project would generate new jobs which had never before been available in San Francisco. In fact, he believed that the project would merely move existing jobs to a new site. The new hotel might create new jobs; but the office complex would probably do nothing more than move jobs from one part of the city to another. In any case, statistics indicate that more than 50% of the new jobs in the project will be taken by commuters. He stated that he was opposed to raising the height limits on the subject site. Historically, San Francisco has not benefited from high-rise construction of any sort; and in fact, high-rise construction in the city has merely increased the percentage of the city's commuter work-force. He remarked that height limits in San Francisco are quiet sacred; and he did not feel that the Commission should establish a precedent by increasing the height limit on the subject site. In conclusion, he stated that he was of the opinion that the best type of development for this major gateway to the city would be residential and open space and not an office complex.

Bill Dauer, Chairman of the Board of Supervisors' Assistance to Business Committee, remarked that residents of the subject neighborhood who were present in the audience seemed to be unanimous in their support of the proposed project; and he emphasized that such a phenomenon is a rare occurrence in San Francisco. He advised the Commission that his Committee had spent five weeks trying to save the Larraburu Bakery which employed 100 people; and he indicated that his committee

would be willing to spend a great deal more time trying to bring a large project, such as the one which was presently being proposed, to fruition. He remarked that there is nothing attractive about the subject site at the present time; and, in fact, visitors entering the city have to wait until they pass hospital curve to see high-rise buildings which give them a feeling that they have finally reached the city. In conclusion, he urged the Commission to be supportive of the proposed project.

Allen Chalmers, representing his parents who live in the subject neighborhood, felt that the staff of the Department of City Planning would be able to work with the applicant to assure that the project is well designed. He remarked that suburban offices tend to be quite popular at the present time; and, if the proposed project were to be constructed, he believed that San Francisco might be able to retain some firms which would otherwise be induced to move to the Peninsula.

Eloise Westbrook, a resident of the Hunters Point neighborhood, remarked that the Hunters Point community had previously tried to work with Visitation Valley and Little Hollywood but had achieved little success; and she felt that it was significant that the majority of the residents of both neighborhood were united in their support of the proposed project. She stated that the southeast portion of the city has been deteriorating since 1952; and she hoped that construction of the proposed project would initiate a reverse trend which will eventually result in new development from the County line to the Yerba Buena Center. She stated that residents of the subject neighborhood were aware that they will not qualify for executive jobs requiring degrees which will be available in the proposed project; but she felt that it was important to recognize that someone will get those jobs.

Jerry Levine, President of San Francisco Tomorrow, stated that the Board of Directors of his association had given their general endorsement to the proposed project. They had been impressed by the desires of residents of the community; and they were aware of the need for employment opportunities in the subject portion of the city. Nevertheless, his organization did have serious concerns about the design and siting of the project. One of the problems was that plans which had been prepared were not sufficiently detailed; and, in that regard, he was pleased to hear that architects had been retained for the project. He was also pleased that the applicant had indicated a willingness to bring his plans before the Commission for discretionary review. In conclusion, he stated that he felt that it would be unfortunate for the Commission to approve irrevocable changes in zoning before final plans have been prepared; and he hoped that the Commission would find a way to postpone action on the re-zoning until such time as final plans for the project have been thoroughly reviewed.

Jack Creighton, President of the Visitation Valley Merchants Association, stated that his organization heartily endorsed the proposed project and felt that it would be an asset for the neighborhood. He urged that the project be approved without further delay.

Espinola Jackson, 3132 Ingalls Street, stated that she felt that it was important to encourage business and industry to return to San Francisco; and, in view of the time limit faced by the applicant, she urged that the project be approved immediately.

Ronald Morton, Vice President of the Visitation Valley Merchants Association, remarked that improvements in the subject neighborhood have usually required expenditure of public funds; and, in view of the fact that the proposed project would be privately financed, he hoped that it would be approved.

Adam Banks, representing the Bayview Hunters Point College, remarked that young people in the subject neighborhood are reluctant to pursue their education beyond high school because of the lack of opportunity for employment. The proposed project would provide jobs; and he believed that those jobs would motivate students to continue their education.

Joseph Brajkovich, 280 Tocoloma Avenue, remarked that an article had appeared in last Sunday's paper indicating that the City Planning Commission had already approved the proposed project; and he reported that many residents of the subject neighborhood feel that approval is inevitable. He advised the Commission that he had called a meeting to inform residents of Little Hollywood of the impact which the project would have on their neighborhood. The meeting had been attended by 24 persons. When the issue was put to a vote, four had voted in favor of the project, six had voted in opposition to the project, and eight were undecided. Six individuals had left before the vote was taken. Subsequently, as a result of telephone calls, he had determined that six of the individuals who had been undecided and five of the individuals who had left the meeting early were now opposed to the project. In addition, he had received correspondence from 52 people indicating that they were opposed to the project. The Environmental Impact Report indicated that approximately 4900 jobs would be provided by the project; however, 70% of those jobs would be filled by commuters. Only 3893 parking stalls would be available in the project; so 1007 employees would have no place to park. He expected that they would try to park in Little Hollywood; but he noted that Little Hollywood has only 375 on-street parking spaces. Under the circumstances, he believed that Little Hollywood would be clogged with automobiles five days a week. The Environmental Impact Report had described Blanken Avenue as a three-lane road; however, when cars are parked on the street, only two narrow lanes are available for traffic movement. He remarked that Blanken Avenue bisects Little Hollywood; and he felt that the neighborhood would be completely disrupted if the street is torn up for new utility mains. He was aware that Hunters Point has a high rate of unemployment; but he did not feel that the proposed project would solve that problem. In fact, he felt that the Hunters Point neighborhood would be most benefited by decent housing on scattered sites. As long as all of the unfortunate people in the city are forced to live together in the same area, they will continue to have problems. He stated that two high-rise towers had previously been constructed in Visitation Valley in an R-1 district; and those buildings have now become a ghetto. Merchants in Visitation Valley had supported that project with the hope that it would make them rich; but instead they got ripped off. He did not feel that the Little Hollywood Improvement Association or the All Peoples Coalition truly represented resi-

dents of the subject neighborhood; and, in fact, he believed that 95% of the residents of Little Hollywood were actually opposed to the proposed project. Although few individuals who were opposed to the project were present in the audience, he emphasized that he was appearing in their behalf; and, in any case, he indicated that he would rather be alone and fight for what is proper than to have an army behind him and to participate in a questionable project.

Allan B. Jacobs, 200 Beacon Street, questioned why the project should be approved if it will have a significant impact on the environment and if some of the impact, such as traffic and air pollution, will be negative. He stated that he was generally opposed to the requested change in the use designation of the subject property and that he was specifically opposed to the request for increased height; and, in view of the nature of the advertisement giving notice of the Commission's intention to consider changes in the Master Plan, he questioned whether it would be legal for the Commission to proceed to consider the height issue during the present meeting. When he had served as Director of Planning, the South Bayshore community had participated in preparation of the South Bayshore Plan; and he did not feel that the plan should be changed to accommodate a project which was totally in conflict with concepts which had been developed as a result of detailed study. While he acknowledged that the sentiment of a neighborhood should be given serious consideration when zoning changes are proposed, he believed that re-zoning should not be approached as a "popularity game" with decisions being made on the basis of the number of people who have been "gotten to" by the applicant. If that approach were to be followed, he felt that the city might as well have district planning commissions. He stated that he was aware of no major need to change the zoning of the subject property for office development; and, while a market may exist for such office space, he emphasized that the Commission would run the risk of having the property developed with an unsuitable commercial use if it should proceed to re-zone the property and if the office project should fail to materialize. While he could understand the applicant's desires to maximum his profits, he felt that the Commission should be concerned with what is best for San Francisco. Even if one were to approve of the concept of an office complex, he questioned why there would be a need for high-rise building. In his opinion, it did not seem logical to try to duplicate downtown San Francisco on the subject site; and, if an office complex were to be constructed on the property, he felt that an attempt should be made to provide office space which would be totally different from that found in downtown San Francisco. He emphasized that the issue before the Commission was not whether a particular project should be approved but whether existing zoning should be changed; and he remarked that the Commission would have no assurance of what type of development would occur on the property if the zoning should be changed. While the Commission would have authority to conduct a discretionary review of any building permit application filed for the subject site, it would have lost its basic bargaining power once the zoning were changed; and he indicated that the discretionary review has not been an effective process under such circumstances. He noted that the Master Plan of the City and County of San Francisco does not call for height on the subject property; and he remarked that Bayview Hill already serves as a focal point for people entering the city. He felt that it would be easy for an applicant to get a prospective lender to say that height is required in order to make a project more economical; but he noted that the letter which had been prepared

by the applicant's prospective lender had not even mentioned the issue of height. He felt that approval of the application for increased height on the subject property would effectively announce that height limits in San Francisco are an "open game"; and he did not feel that height limit decisions should be made on a piecemeal basis. In the United States, densities have always increased and never decreased; and he felt that the same would be true of height limits. He stated that he had met Mr. Keller casually in July of last year. At that time, Mr. Keller had stated that the proposed project could be constructed within the existing height limit if necessary but that the applicant had already "gotten to" residents of the neighborhood. In conclusion, Mr. Jacobs stated that it was his opinion that the objectives of the applicant would not service a public purpose or bring about a public benefit.

Mr. Keller stated that the South Bayshore Plan was supposed to reflect the desires of the residents of the neighborhood. When the plan was prepared, residents of the area were more concerned about other aspects of the plan than about the type of development which might occur at Candlestick Cove. He emphasized that the same individuals who had worked on the plan were present in the audience; and he felt that it was clear that they believed that the proposed project would be appropriate for the subject site.

Fred Henwood, 33 Blanken Avenue, stated that there are 350 homes in Little Hollywood; and he did not feel that the 24 people who had attended the meeting called by Mr. Brajkovich and who had voted in opposition to the project truly represented the general opinion of residents of the area. He stated that he had talked to a number of residents in the area; and most of them had expressed no interest whatsoever in having housing constructed on the subject property. He felt that the proposed project would be good for the neighborhood.

Albert Toussaint, 144 Gillette Avenue, stated that he had discussed the proposed project with the applicant on at least four occasions; and he felt that the project should be allowed to proceed. While the Master Plan calls for development of low and moderate density housing on the subject property, he felt that a housing project would have a severe negative impact on Little Hollywood since all traffic to and from the project would have to pass through that area. The proposed project would provide some jobs and would retain some businesses in San Francisco. No other plans had been proposed for the site; and the property is too expensive to be used for housing. He stated that he had hoped that the property might be developed as a park; but that project had proven infeasible. The applicant had indicated that he would preserve a considerable amount of open space on the site and would provide trails to the park at the top of the hill; and, under the circumstances, he felt that the proposed project would be the best possible development for the site.

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

Clarence Fleming, 117 Gillette Avenue, introduced himself as the President of the Little Hollywood Improvement Club. He stated that the members of his organization had thoroughly studied the applicant's proposal. When the Department of City

Planning had prepared its Master Plan in 1969, residents of Little Hollywood had been opposed to the proposal for construction of housing at Candlestick Cove; and, since the Master Plan was adopted, not a single proposal has been made for construction of housing on the site. The subject property has an assessed valuation of \$325,000; and he felt that it is time for the property to be developed. The proposed project would provide 4900 jobs, some of which might be filled by residents of the neighborhood. He believed that Blanken Avenue, which was designed to carry 30,000 cars a day, could comfortably accommodate the traffic which would be generated by the proposed project; and, since traffic flow in the area has improved since construction of the new freeway off-ramps, he did not feel that any serious traffic problems would develop as a result of the proposed project.

Bob Desky, Executive Vice President of the Yerby Corporation, noting that Mr. Jacobs had questioned whether the proposal for changing the height designation of the subject property had been properly advertised, stated that he had worked closely with the staff of the Department of City Planning in preparing the application; and he indicated that Mr. Steele, the Zoning Administrator, had addressed a letter to Mr. Yerby on June 21, 1976 which contained the following language: "This is to advise you that the amendment to the application mentioned above submitted to this Department on June 15, 1976, to include a change in height and bulk district from 40-X to 230-G for a portion of the subject property is hereby accepted and is in proper form and adequate under the City Planning Code and Department rules." Under the circumstances, he felt that the Commission should proceed to take action on the matter. In reply to questions raised by Commissioner Mellon, Mr. Desky stated that he is an attorney, and that he was of the opinion that the application had been made in proper legal form.

Commissioner Finn asked Mr. Steele if he had consulted with the City Attorney's office concerning the form of the application. Mr. Steele replied in the negative but indicated that he was satisfied that the amended application was properly before the Commission.

Oscar James, a resident of the subject neighborhood, remarked that the proposed project offered the promise of jobs to residents of the area; and he advised the Commission that the Model Cities Agency had undertaken a study of the Candlestick Cove area and had recommended that the site be developed with a hotel complex. The project being proposed by the applicant will contain such a facility. He urged that the application be approved.

Rai Y. Okamoto, Director of Planning, distributed copies of a draft resolution which had been prepared to effect text and map changes in the South Bayshore Plan, the Urban Design Plan, the Recreation and Open Space Plan, and the Transportation Plan. After summarizing the draft resolution, he recommended that it be adopted by the Commission.

It was moved by Commissioner Rosenblatt and seconded by Commissioner Mellon that the draft resolution be adopted.

Commissioner Bierman stated that she was aware that a lot of time had been spent on preparation of the South Bayshore Plan. However, the Candlestick Cove area is windy; and people who already reside in the area had expressed a desire for compatible uses other than housing on the subject property. She noted that a lot of people were expecting a great deal from the proposed project; and she hoped that it would be come a reality and that everyone's hopes would be fulfilled. She felt that it would be a great disappointment if the project should fail to proceed. She indicated that she supported the proposed use of the site; but she did wish to make further comments regarding the design of the project.

Commissioner Finn stated that he shared the sentiments which had been expressed by Commissioner Bierman; and he felt that the Commission should enable the project to proceed so that individuals who had spoken in support of the project would have an opportunity to have their dream come true.

Commissioner Bierman remarked that the Master Plan which had been prepared by the previous Planning Commission had been of great help to the present Commission in making decisions about land use; and, while some aspects of the plan may require change from time to time, she expected that the plan would continue to guide the Commission's decisions in the future.

When the question was called, the Commission voted 5 to 1 to adopt the draft resolution as City Planning Commission Resolution No. 7543. Commissioners Bierman, Finn, Lau, Mellon, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

Commissioner Starbuck stated that he had cast a negative on the motion because he did not feel that the advertisement announcing that the Commission would consider amendments to the Master Plan was sufficiently detailed to inform the public of the magnitude of the changes which had been proposed.

The Director then recommended the adoption of a draft resolution which contained the following resolves:

"THEREFORE BE IT RESOLVED, that the City Planning Commission finds that the public necessity, convenience and the general welfare require that that part of Application No. ZM76.3 requesting change in use districts from R-1 and M-1 to C-2 be approved; and

"BE IT FURTHER RESOLVED that that part of Application No. ZM76.3 requesting change in height and bulk district from 40-X to 230-G for the northwest portion only, be continued to September 2, 1976, at 2:30 p.m."

The Director stated that he believed that continuance of the height and bulk issue to the meeting of September 2 would enable the applicant's new architects to analyze the project and to address the concerns which had been expressed by members of the Commission during the course of the hearing. He stated that he had no personal objection to considering changes in height limits which had been established by a previous Commission; and he felt that urban design considerations should take economic realities into account.

It was moved by Commissioner Finn and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Mellon moved that the draft resolution be amended to approve the height and bulk changes as well as the use changes. He felt that any further delay in approval of the project might jeopardize the applicant's financing; and he doubted that the applicant's architects would be able to develop revised plans by September 2. The motion was seconded by Commissioner Finn for the purpose of discussion.

Mr. Yerby stated that he had been working on his project for 18 months; and, while he had great confidence in his new architects, he doubted that they would be able to make significant changes in the plans by September 2. Although he could not definitely state that he would lose his financing if further delays were to occur, he did believe that such delays would seriously jeopardize his position. Therefore, he urged that all aspects of the application be approved during the current meeting.

Commissioner Starbuck noted that the proposed towers would be constructed during the final phases of the project; and, under the circumstances, he did not understand why the financing for the initial phases of the project would be dependent on approval of the towers.

President Lau asked Mr. Yerby if he felt that any further delay whatsoever would jeopardize his project. Mr. Yerby replied that a one week delay would probably cause no problems; however, he doubted that his architects could formulate any reasonable solution in such a short period of time.

Commissioner Finn, observing that "politics" involves the art of compromise, stated that he would be willing to re-calendar the matter for further consideration in one week. However, he felt that the Commission's concern should be balanced against the benefits which the project would bring to residents of the subject neighborhood and the city as a whole; and, at the same time, the Commission should have an appreciation of the applicant's position.

The Director stated that he would have preferred to delay action on the matter beyond September 2; but since the second Thursday of the month is a holiday, action would have had to be deferred until September 16. The applicant had stated that his option on the property will expire on September 30; and, under the circumstances, he felt that final action should be taken early in the month. He stated that he did not expect the applicant's architects to prepare detailed final plans during the interim; however, he did hope that they would be able to develop alternate concepts which would either prove or disprove the necessity of altering the height limit on the property.

Derek Parker, representing the architectural firm of Anshen & Allen, stated that nothing more than fairly superficial solutions could be developed prior to September 2. Alternate design solutions would require two or three months of work.

Commissioner Mellon remarked that preparation of final plans for the project will take a considerable amount of time; and he wondered if the applicant and his architects would be willing to commit themselves to continue to work with the Director of Planning and to make any feasible changes in the design of the project after the financing has been assured. Both Mr. Yerby and Mr. Parker responded in the affirmative.

Commissioner Rosenblatt remarked that the difficulty with the approach recommended by Commissioner Mellon was that lenders tend to be unimaginative; and, if the City Planning Commission were to approve a 230 foot height limit for the subject site, he expected that lenders would take the position that they would not make money available for a project which would fail to take advantage of the maximum height and density permissible. He stated that there was reason to believe that an economically feasible project could be designed which would not involve the construction of two 15-story towers. He stated that he was bothered by the fact that there appeared to be a conflict between providing jobs and protecting the environment; and he indicated that he believed that it would be possible to make changes in the plans for the project so that both of those objectives could be accomplished. He remarked that neither the opening remarks which had been made by Mr. Yerby or the letter which he had submitted from his prospective lender had stated for a fact that financing would not be made available unless the project included two 15-story towers; and he felt that it would not be unreasonable for the Commission to take a short period of time to try to determine if alternate designs for the project would be viable.

President Lau observed that most of the members of the Commission appeared to favor the proposed project; however, he doubted that a majority of the Commission would support the motion to amend the draft resolution to approve the entire application at the present time. Under the circumstances, he suggested that the applicant would be wise to agree to a postponement of the height and bulk issue until a particular date of his own choosing.

Mr. Yerby stated that he would be willing to agree to a two week postponement if he could be assured that the Commission would take action one way or the other at that time.

Commissioner Bierman noted that members of the Commission had visited the site earlier in the afternoon; and she observed that even low-rise buildings constructed on the property would have wonderful views. Under the circumstances, it did not seem possible to her that a lender would refuse to finance the proposed project without the 15-story towers. She hoped that the applicant would take advantage of the two week delay to conduct an honest evaluation of alternative design schemes.

Commissioner Starbuck whimsically remarked that the Commission had recently been accused of an endless list of things excluding only unnatural sex acts; and, noting that the hour was 12:00 midnight, he indicated that he would be reluctant to vote for "deflowering" of the city's height limits at midnight.

Commissioner Mellon stated that he had interpreted the letter from the applicant's prospective lender differently from Commissioner Rosenblatt; and he was impressed by the fact that the prospective lender had stated that "any deviations" from the plan which had been proposed would jeopardize the project. In view of the community's support and enthusiasm which had been demonstrated for the project, he felt that it would be unfortunate if actions of the Commission should jeopardize the financing.

Commissioner Rosenblatt acknowledged that the letter from the prospective lender had stated that any deviations in the design of the project might jeopardize the project; however, based on his own experience with lenders, he expected that the applicant's prospective lender might quickly be persuaded to change his position. He indicated that he was not convinced that changes in the plans would represent a "death-knell" for the project.

When the question was called on Commissioner Mellon's motion to amend the draft resolution to approve the height and bulk changes as well as the use change, the motion failed by a vote of 2 to 4. Commissioners Finn and Mellon voted "Aye"; Commissioners Bierman, Lau, Rosenblatt, and Starbuck voted "No".

When the question was called on the main motion, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7544 and to approve the application in part for reclassification of the property from R-1 and M-1 to C-2 and to take the remainder of the application under advisement until the meeting of August 27, 1976.

The meeting was adjourned at 12:05 a.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, August 12, 1976.

The City Planning Commission met pursuant to notice on Thursday, August 12, 1976, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Janis Birkeland, City Planning Co-ordinator; Charles Gill, City Planning Co-ordinator; Alan Lubliner, City Planning Co-ordinator; Robert Feldman, Planner II; Ralph Gigliello, Planner II; Kit Hermann, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress; and Mel Wax represented television station KQED.

1:00 P.M. Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 P.M. to take a field trip to property at Candlestick Cove which is to be the site of a project which was considered by the Commission at a Special Meeting which was held later in the day.

2:15 P.M. Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meetings of July 22 and 27, 1976, be approved as submitted.

CURRENT MATTERS

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), made the following report:

"The City Attorney's Office has formally ruled that the building permit application filed by Angelo Sangiacomo on June 6, 1976 for a 44-unit dwelling at 1059 Union Street must be processed in accordance with the R-M-1 Zoning Standards applicable to the site since May 1976, thus reversing an earlier informal opinion that pre May 1976 reviews and approval of preliminary plans by various City Departments, including the granting of a Negative Declaration under the California Environmental Quality Act, allowed review of the applica-

tion under the R-4 Zoning Standards applicable to the subject lot prior to May 20. The R-M-1 district initiated for the subject site and surrounding area permits a maximum of 12 dwelling units on the subject site. This ruling has been supported by the Board of Permit Appeals in an appeal on this matter acted upon by the Board last night."

Mr. Steele stated that it was the recommendation of the Director of Planning that the Commission adopt a draft resolution declaring its intention to hold a public hearing to consider City Planning Code text amendments and reclassification proposals to establish a special sign district for the Upper Market area from the Central Skyway Overpass to Diamond Street. Establishment of the special sign district had been requested by the Mayor's Advisory Committee on Upper Market Street. The resolved clauses of the draft resolution which he had prepared for consideration by the Commission read as follows:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby declare its intention to hold a public hearing to consider City Planning Code text amendment and reclassification proposals to establish a special sign district for the Upper Market area, based upon the draft ordinance dated August 12, 1976, said district to cover all C-2 zoned properties in the vicinity of Market Street from the Central Skyway overpass to Diamond Street, as shown on the map entitled 'Proposed Upper Market Special Sign District';

"AND BE IT FURTHER RESOLVED, That the Zoning Administrator is directed to set a time and place for said hearing."

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7539.

Mr. Steele stated that Supervisor Feinstein had also submitted two proposals concerning billboards which would have to be considered by the Commission. The first proposal would clarify a provision in the Market Street Special Sign District adopted in 1970 relating to the removal date for billboards. The proposal would state that the "substantial completion" of street improvements referred to in the existing Code section has already occurred by May of this year, the sixth anniversary of the sign district, and that therefore the billboards are to be removed immediately between the Ferry Building and the Central Skyway Overpass, according to the terms of the original ordinance. The second proposal which had been submitted by Supervisor Feinstein would amend the City Planning Code to prohibit approval of billboards anywhere in San Francisco and to require removal of all such signs within ten years. That citywide provision would not involve a special use district but would apply to all properties. Since public hearings on both of those ordinances, as well as the ordinance which had just been initiated by the Commission, would to a considerable extent involve the same persons and organizations, Mr. Steele felt that they should be handled during the same meeting. With no objections forthcoming from the Commission, he indicated that the public hearing would be scheduled for Tuesday, September 14, at 7:30 P. M.

Rai Y. Okamoto, Director of Planning, noted that the staff had held a public meeting on the previous evening to receive comments from residents of the southwest section of the City regarding the zoning pattern recommended for that area as a result of the Residential Zoning Study.

The Director reported that the staff had met with representatives of the San Francisco Council of District Merchants earlier in the week to discuss the Residential Zoning Study and the Commerce and Industry Study.

The Director reported on actions taken by the Board of Permit Appeals on the previous evening, indicating that the Board had sustained the Commission's denial of a building permit application for a nine-unit apartment house at Castro and 28th Streets by a 2-3 vote. Four votes are required for the Board to overrule an action of the Commission.

The Director advised the Commission that the Planning, Housing, and Development Committee of the Board of Supervisors, meeting next Tuesday, August 17 at 2:00 P.M., is scheduled to consider several items of interest to the Commission and the Department of City Planning.

The Director reminded the Commission that two meetings are scheduled next Thursday, August 19, one at 2:15 P.M. and the other at 7:30 P.M.

The Director remarked that the Mayor's Select Committee on Yerba Buena Center had reached a consensus on a proposal for development of the south of Market area but with two possible variations. The staff of the Department of City Planning will continue to work with the Committee as it prepares its final recommendation to the Mayor. President Lau, a member of the Committee, stated that he had been very impressed with the work that the staff had done thus far.

Commissioner Starbuck remarked that William J. Whalen, formerly the Superintendent of the Golden Gate National Recreational Area, has assumed a new post as the General Manager, Bay Area National Parks. He stated that he is a user of the Golden Gate National Recreation Area; and he had followed the growth of the recreation area into one of the most valuable recreation resources in the Bay Area. The recreation area provides a diversity of activities for people of all ages; and, under Mr. Whalen's direction, the recreation area had encouraged and promoted the use of public transit, thereby making it possible for citizens without autos to reach most points in the Golden Gate National Recreation Area and to induce citizens with automobiles to leave them at home. He also remarked that Mr. Whalen had demonstrated an exceptional degree of sensitivity to and encouragement of public participation in park planning. He therefore recommended that the Commission adopt a draft resolution which he had prepared to commend Mr. Whalen for his outstanding contributions to the citizens of San Francisco and the Bay Area.

After the Secretary had read the draft resolution, it was moved by Commissioner Mellon, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7540.

Commissioner Starbuck, noting that the Commission had previously endorsed the proposed Charter Amendment to replace the Rule of One with a Rule of Three without receiving substantial input from the staff of the Department of City Planning, invited members of the staff to submit their written comments on the matter to the Commission.

Commissioner Starbuck asked the staff to review current legislation relating to establishment of a Coastal Zone which is currently pending before the State legislature.

EE75.60 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR AN 18-STORY OFFICE BUILDING AT 505 SANSOME STREET, NORTHWEST CORNER OF CLAY AND SANSOME STREETS. PROPOSED BUILDING TO BE 249 FEET TALL WITH A GROSS AREA OF 191,957 SQUARE FEET AND RETAIL USES AT BASEMENT, GROUND AND SECOND-FLOOR LEVELS.

Ralph Gigliello, Planner II, summarized the Draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received testimony from J. P. Mahoney, representative of the developer and Charles Pilcher, consultant to the developer and author of the preliminary Draft Environmental Impact Report. No other individuals who were present in the audience wished to address the Commission on this matter.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Commission could not certify the completion of the draft Environmental Impact Report until comments from the State Clearinghouse are received and responded to by the staff. Therefore, he recommended that this matter be taken under advisement and returned to the Commission's calendar whenever the comments and responses are available.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that this matter be taken under advisement until returned to the calendar by the Zoning Administrator.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CONSIDERATION OF LOCATION AND DEVELOPMENT GUIDELINES FOR FAST FOOD FACILITIES, CONVENIENCE STORES, AND SIMILAR QUICK-STOP ESTABLISHMENTS.
(Under Advisement from meeting of July 1, 1976).

Janis Birkeland, City Planning Co-ordinator, reported on this matter as follows:

"As you will recall, a previous draft of the quick-stop establishment guidelines was presented to the City Planning Commission on July 1, and, in response to objections raised at that time by several Fast Food Industry representatives, (to the effect that they had not had adequate opportunity to participate in the drafting of the guidelines) the Commission continued the

hearing to this date, to allow these individuals time to make their concerns known to the staff.

"The Commission now has before it a revised set of draft guidelines, dated July 30th, as well as a sheet which lists separately the changes that have been made to the July 1st draft. Because some of the industry's concerns were not met by this new draft, we would like to summarize their suggestions, and to present the staff reasoning behind not incorporating them in the revised draft.

"First: There is concern that the scope of the guidelines is too broad, and that the term 'Quick-Stop Establishment' could be considered to include other businesses, such as laundrys or delicatessens.

"The intent of the staff, in drafting the guidelines, was to have a broad definition, as new trends in the convenience Market and Fast Food Industry are difficult to anticipate. The guidelines explicitly state that only those proposals that do not meet conditions of the guidelines, and which in the opinion of staff could have an adverse effect on the surrounding area, will be brought before the Commission for review. It is therefore unlikely that the guidelines will create any difficulties for businesses that may unintentionally fall within their scope.

"Second: There is objection to the recommendation that auto oriented quick stop establishments not locate within 500 feet walking distance of a school, and criticism of the fact that the kind of schools were not defined.

"The guidelines have been rephrased so that the limitation applies only to elementary or secondary schools--and not to colleges, trade or art schools, and the like. A 500 foot walking distance remains the proposed numerical guide, or standard, as this would generally insure that the facility would not be on the same block, or generate traffic on the streets facing a school yard.

"Third: There is concern that a limitation of 15,000 square feet would be impractical.

"However, of the 24 auto-oriented fast-food facilities in San Francisco, the average site size is 8,475 sq. ft. Only 3 of the 24 facilities exceed 15,000 sq. ft. And in one case, 4 quick-stop establishments share a total site of 13,775 sq. ft.

"Fourth: There is objection to the suggestion that space for a recycling center be considered in some cases, on the grounds that this would be discriminatory to that type of business.

"Quick stop establishments (especially fast food facilities) generate a great deal of paper and waste products: A recent study has shown that the average McDonalds customer, for example, uses 2.4 ounces of paper cups, bags,

boxes, straws, etc. per serving. The suggestions is clearly not going to be a mandatory one. However, we think it might be good business to consider this kind of community service.

"Fifth: There is objection to the attempt to limit the proximity of auto-oriented quick stop establishments, on the grounds that the industry pursues only those sites where there is a substantial need for the goods and services they provide in that particular area.

"However, this has not been the case in other cities and towns across the country, where there are many examples of new facilities being built adjacent to other such businesses that have had to close their doors.

"Sixth: There is concern that there are not enough sites in San Francisco that could meet all the locational criteria.

"The intent of the guidelines is to present the planning criteria that should be considered in site selection. These are not mandatory requirements, in fact, guidelines can prevent or forestall code amendments which would necessarily be more explicit, and inflexible. And of course, any case will be reviewed on an individual basis where it is felt that the situation warrants an exception to the specific standards."

Commissioner Rosenblatt questioned at what point it would be possible to draw a distinction between a fast food facility and a restaurant.

Ms. Birkeland replied that quick stop establishments were defined in the draft guidelines as "any individual or chain operation where a portion of the business conducted involves the sale, dispensation or serving of take-out food, beverages or merchandise, reached primarily by vehicles from which customers exit to serve themselves directly or indirectly, and including those businesses serving customers at drive-up or walk-up windows."

Commissioner Mellon questioned the desirability of the guideline which specified that the sites of auto-oriented facilities should generally not exceed 15,000 square feet. With a larger site, more parking could be available; and he expected that larger parking lots would invite more sit-down trade.

Commissioner Dearman remarked that the parking lots at the McDonalds restaurants near Golden Gate Park and on Ocean Avenue always seem to be full; and she felt that it was fortunate that those facilities do have parking lots.

Commissioner Bierman asked if all applications for quick-stop establishments would automatically come before the Commission for review. Ms. Birkeland replied in the negative, indicating that the staff, using the guidelines, would work with applicants to minimize any potential detrimental effects which their projects might have on the surrounding commercial and residential neighborhood; and only in cases where problems could not be worked out to the satisfaction of the staff would the applications be brought before the Commission for review.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), emphasized that endorsement of the guidelines by the Commission would not empower the staff to deny any permit application which conforms with applicable standards of the City Planning Code. Rather, the guidelines were intended to be used for evaluative purposes. In cases where the applicants and the staff could not reach agreement, the staff would request the Commission to undertake a discretionary review of the building permit application in question.

Commissioner Finn remarked that the staff had originally been concerned about automobile-oriented quick-stop establishments because of the disruptive effect which they can have on adjacent retail and residential areas; but he noted that the guidelines which had been prepared would apply to pedestrian-oriented as well as automobile-oriented businesses. Furthermore, he felt that the definition of quick-stop establishments contained in the guidelines could be applied to almost any business in San Francisco; and he believed that it would be inappropriate to require businesses such as small family-operated restaurants to meet some of the criteria outlined in the guidelines.

Ms. Birkeland stated that some pedestrian-oriented quick-stop establishments tend to generate trash problems; and she indicated that the staff had proposed separate guidelines for pedestrian-oriented facilities and auto-oriented facilities. She remarked that most walk-up facilities cover 100% of their sites; and, as a result, they would not be requested to meet the same landscaping criteria as auto-oriented facilities with parking lots.

Mr. Steele, referring to Commissioner Finn's concern about the staff's definition of quick-stop establishments, stated that the staff was primarily concerned about high volume facilities, usually part of a chain, such as McDonald's, Doggie Diner, etc. He stated that the staff of the Department of City Planning had been in contact with representatives from such organizations; and he indicated that the staff did not intend to apply the guidelines to a range of businesses.

No one was present in the audience to address the Commission on this matter.

Mr. Steele recommended that the Commission adopt a draft resolution with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission hereby endorses said guidelines and directs the Department of City Planning staff to review all building permit applications filed for construction of new facilities for franchise convenience stores and fast food operations, or for major expansion of such uses now existent, and to submit to the Commission for review under its discretionary powers any such applications that propose construction that in the opinion of the Department staff would result in detrimental effects on the surrounding commercial and residential neighborhoods;

"BE IT FURTHER RESOLVED, That the Zoning Administrator is hereby directed to send copies of this resolution and the guidelines to members of the fast food and convenience market industry, and such other persons as the Zoning

Administrator believes could provide notice of this resolution to potential applicants for fast food facilities, convenience markets, and other quick-stop establishments."

Commissioner Starbuck asked if there were any reason why the staff had recommended that the Commission "endorse" rather than "adopt" the guidelines. Mr. Steele replied that the guidelines were not intended to be used as iron clad requirements; and he felt that "endorsement" would give them slightly less legal status than "adoption". Nevertheless, the guidelines would be more forceful with endorsement by the Commission than they would be if they were merely the product of the staff.

At 3:45 P.M. President Lau announced a 15 minute recess. The Commission reconvened at 4:00 P.M. and proceeded with hearing of the remainder of the agenda.

PROGRESS REPORT ON NORTHERN WATERFRONT PLANNING ADVISORY COMMITTEE
AND TRANSPORTATION SYSTEM FOR THE EMBARCADERO AREA.

Charles Gill, City Planning Co-ordinator, reported on land use actions taken to date by the Committee. Alan Lubliner, City Planning Co-ordinator, reported on transportation issues in the area and actions taken thus far. Following the presentation, Mr. Gill and Mr. Lubliner together with George A. Williams, Assistant Director-Plans and Programs, responded to questions raised by members of the Commission.

The meeting was adjourned at 4:50 P.M.

Respectively submitted,

Lynn E. Pio
Secretary

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- SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, August 19, 1976.

The City Planning Commission met pursuant to notice on Thursday, August 19, 1976, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Wayne Rieke, Planner IV (Zoning); Charles Gill, City Planning Coordinator; Wilbert Hardee, Planner III; and Lynn E. Pio, Secretary.

Karen Howze, represented the San Francisco Chronicle; Dick Alexander represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

EE75.368 - CONSIDERATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NORTH POINT PARK/MARINA, PIERS 37, 39 AND 41, SAN FRANCISCO WATERFRONT DEVELOPMENT OF 133,000 SQUARE FEET OF NEW RESTAURANTS; 67,000 SQUARE FEET OF COMMERCIAL SPACE: A 250-BERTH BOAT MARINA; 40 SPORT-FISHING BERTHS; A PARK, A 1000 CAR PARKING GARAGE; AND ACCESSORY OFFICES.
(Under Advisement from Meeting of July 29, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), reported that the staff had not received some of the work which was being done by the applicant's consultants; and, as a result, the responses to the comments which had been made during the public hearing on the Environmental Impact Report were not yet completed. He expected that the responses will be available on Monday; and he recommended that this matter be continued under advisement until the Commission's regular meeting on Thursday, August 26, at 5:00 p.m.

It was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that this matter be continued under advisement until the Commission's regular meeting on Thursday, August 26, at 5:00 p.m.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE NORTHERN WATERFRONT PLAN OF THE CITY AND COUNTY OF SAN FRANCISCO.
(Postponed from Meeting of July 29, 1976.)

ZM76.13 - NORTH POINT PARK/MARINA, PIERS 37, 39 AND 41.
REQUEST TO CHANGE THE ZONING CLASSIFICATION FROM A P (PUBLIC USE) DISTRICT TO A C-2 (COMMUNITY BUSINESS) DISTRICT AND TO CHANGE THE OS HEIGHT AND BULK DISTRICT TO A 40-X HEIGHT AND BULK DISTRICT.
(Postponed from Meeting of July 29, 1976.)

CU76.8 - NORTH POINT PARK/MARINA, PIERS 37, 39 AND 41.

REQUEST FOR AUTHORIZATION TO PERMIT NON-MARITIME COMMERCIAL
USES IN THE NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1.
(Postponed from Meeting of July 29, 1976.).

Charles Gill, City Planning Coordinator, reported on the proposed amendments to the Northern Waterfront Plan of the City and County of San Francisco, as follows:

"The Northern Waterfront Plan, an element of the City's Master Plan, was adopted by the City Planning Commission in 1969. It is one of two "area" plans of the Master Plan; as such it states the City's planning objectives and policies for a specific geographic area of the city. The other elements are citywide plans for various types of land uses. Because of this characteristic of dealing in detail with a specific area of the city, as well as the fact that it is seven years old, the Northern Waterfront Plan contains certain objectives, policies and maps which have become obsolete relative to current legal considerations and planning ideas. The entire Plan is undergoing a process of review by the Department of City Planning and an advisory committee at this time in order to propose substantial amendment of the document to the City Planning Commission.

"Particular portions of the Plan have already been reviewed by the Department in response to development proposals made to the City. These portions of the Plan deal with plans for the general area of Piers 37 and 41 and for improvement of The Embarcadero into a parkway between Piers 9 and 35. It is herein proposed that certain interim changes be made to the Plan in order to allow consideration of recent development proposals.

"Following are descriptions of the plans for the above areas as they are in the existing Northern Waterfront Plan and as they are proposed for amendment. Also included are the actual text and map changes proposed, referenced to the pages of the "Northern Waterfront Plan" document which was published in 1969 and reprinted in 1971.

"Existing Northern Waterfront Plan

"The Plan contemplates development of a major open space and promenade (North Point Park) along the water's edge between the west side of Pier 35 and Pier 43. Piers 39 and 41 are to be removed and a major hotel is to be located in the Bay at Pier 37. The Plan specifically calls for North Point Park to be constructed on a closed section of The Embarcadero extending onto a platform over the water. The Land Use Plan and Open Space maps of the Northern Waterfront Plan illustrate the above ideas in terms of shoreline configuration and related land uses and vistas.

"The Plan calls for major off-street parking facilities in the Fisherman's Warf area to be located in a parking zone between Beach and Bay Streets

"The Plan also describes a Maritime Parkway to be located on The Embarcadero between Piers 9 and 35. This parkway is to be inland of the Belt Line Railroad, with open space and Port facilities located between the railroad and the Bay.

"Proposed Northern Waterfront Plan Amendments :

"The proposed amendments consist of additions and deletions of text and map designations in order to make the Plan less specific in its description of North Point Park and adjacent commercial facilities. The new text and maps would call for a major water-oriented landscaped park and water-oriented commercial and recreational uses in the area of Piers 37 through 41. In addition, Fisherman's Wharf parking facilities which are accessory to primary use would not be limited to locations within a parking zone, Pier 39 would not necessarily be removed in order to supply vistas, and The Embarcadero would not necessarily be closed north of Beach Street for the creation of North Point Park.

"The Proposed amendments delete the designation of "Maritime Parkway" for the improvements to be made to The Embarcadero between Piers 9 and 35, thereby eliminating the obsolete design for the parkway. Also to be deleted are the Plan's requirements that the new parkway be located inland of the Belt Railroad and that it eliminate all conflicts between traffic and railroad movements."

Mr. Gill noted that the specific text amendments being proposed were contained in a memorandum which had been placed before members of the Commission and which is available in the files of the Department of City Planning.

He then explained that the parts of the proposed project not directly related to waterborne commerce or navigation would have to be authorized by the Commission as a conditional use because the subject property is located in the Northern Waterfront Special Use District No. 1. Furthermore, since the proposed park area would not include all of the area designated as P and OS on the zoning maps, reclassification of the non-park area to C-2 and 40-X would be required if the project were to proceed as planned by the developer.

President La. announced that the Commission would proceed with a public hearing on these matters. However, since the Commission had not yet certified the completeness of the Environmental Impact Report for the project, action on the matters under consideration would have to be postponed until the Environmental Impact Report has been certified as complete.

Warren Simmons, the applicant, noted that he had made a presentation of his proposal during the public hearing on the Environmental Impact Report; and he indicated that he was present to answer any questions which might be raised by members of the Commission.

Wynnelle McCarthy read and submitted the following statement which had been prepared by Mrs. Timothy Robinson, an officer of the Apartment House Association:

"For years the tax payers of this city have been witnessing the clearing of valuable land, which until the bulldozers were put into play, helped to carry the tax load from year to year. If we ever do get Yerba Buena off our backs, we will still be saddled with the interest on bonds floated for the purpose of bringing it into being. Also, what happened to the development after Playland at the Beach was bulldozed into oblivion? Much of my life Playland was in existence, and without searching the files, surely it must have carried a substantial portion of the city's tax load. Today it stands a wasteland of sand, and if there is any prospect of development it is a well kept secret from the taxpayers.

"Now we have a private citizen who has been seeking the City's blessing to redevelop an eyesore area located on our north waterfront. Like Martin Luther King who said, 'I have a dream' - Warren Simmons has been telling us of his dream, while hundreds of taxpayers have listened and dreamed right along with him. We are approving of this exciting and interesting development, number one because it will add to the charm of our city, and number two because finally someone is willing to provide the citizens with an improvement they first did not have to finance before getting the returns in taxes. The revenues generated by the North Point Park/Marina and the jobs created on a year around basis, look good to the citizens of this city. Surely there will be work there for many who are now unemployed or on our relief rolls. Also I need not remind you of the thousands of income property owners who have been crying for tax relief for the past ten years in the name of their tenants.

"I was a baby in a cradle when the devastating earthquake shook this city to its knees, and strange as it may seem we grew up again, during my life time, to be one of the most famous cities of the world - and all without the aid of the ENVIRONMENTALISTS. How we have managed to be what we are without these people supervising and controlling every breath we drew, is more than most of us can understand. Since when did it become an offense for an individual to 'have a dream', spend thousands of dollars of his own funds to develop it, making change after change to appease those sitting in judgment, only to find another objection has been added to the list.

"The proposed garage site, with its landscaped roof, should be a delight to the hillside dwellers after what they have been looking at for years and years. To be able to park a car for \$1.00 for four hours will be the best bargain in town. I have paid as much as \$7.50 for night parking to attend a dinner-meeting of 3½ hours. What about the convenience to those who will birth their pleasure craft while they enjoy our beautiful harbor - or those who have business at the surrounding piers, but are never able to find a parking space after they manage to reach the area. North Point Park/Marina visitors will not be the only ones to take advantage of this 1,000 car parking building at its low rates, and remember it is to be at no cost to the taxpayers.

"Where is some of this 'affirmative action' attitude that has sprung up among the so called minorities in the past few years, when it comes to this project. If we ever saw an instance where it should be applied, this is it. Let me quote a personal experience with our own city inspectors. 'We had a dream' which would greatly improve our income property. When applying for a construction permit we were told, 'it can't be done'. Knowing what we wanted to do was for the good of our building, as well as our neighborhood, we looked for relief higher on the ladder. The answer came in the statement, 'let's not say he can't do it, but find a way so he can do it'. Our benefactor was none other than Building Superintendent Robert Levy. The results were we made the improvements, the city has collected more taxes from us and we have a finer piece of property because we were permitted to develop 'our dream'.

"This instance I relate shows what a little 'affirmative action' can do when those controlling our destiny make up their minds to do a little 'positive' thinking. The North Point Park/Marina development is a beautiful dream, but it will never produce anything for the good of San Francisco as long as your permit it to remain just a dream.

"San Franciscans are not afraid of earthquakes, nor of the old wives tales that we are going to be torn apart at some unknown day, of some unknown year, in some unknown century. I would personally be more alarmed if I were caught at the top of the Transamerica Building during an earthquake, than if I were torn loose from the mainland and set adrift while a guest of Mr. Simmons - a situation which has been created in the mind of architect Richard Gryziec. These reasons, and many more, for denying the right of development to Warren Simmons are idiotic, and we hope the Commission members, since the last meeting we personally attended, have done some positive thinking in relation to the North Point Park/Marina development.

"The negative approach did not develop this city, but it did assist with the destruction of our waterfront, and sent the shipping industry scurrying to Oakland where it was welcomed with open arms. At any time in the future it cares to return we are sure there will still be plenty of space left for them to set up shop to the satisfaction of Isaac Zambrini.

"When this meeting comes to a close this evening we sincerely believe the majority of the members of this Commission will cast their votes in favor of the continuing of the free enterprise system, and adopt the attitude of Superintendent Levy when he said, 'let's not say he can't do it, but find a way so he can do it'."

George Joel Morris, Vice President of the Sunset Heights Improvement Club, stated that the Board of Directors and the members of his organization had passed unanimous resolutions in support of the proposed project. He indicated that the applicant had appeared before the members of his club to present the project; and the members had been impressed with the proposal. He felt that the project, which would be financed by private capital, would enhance the city and bolster the city's tax base; and he hoped that it would be approved by the Commission.

Molly Sprouse, representing the League of Women Voters of San Francisco, made the following statement:

"We have two major concerns:

"First, is the size and quality of the park.

"One of the selling points of the developer's presentation was slides of Isaac Walton Park. This seemed to promise green space with trees growing naturally. Then we find out that what is really planned is a cobblestone plaza with intermittent raised planting, and emphasis on walking. We feel that a large, peaceful greenspace, however simply designed, is needed as a haven from the bustle and noise of this intensely developed area.

"Our second concern is the construction of the breakwater.

"As Robert Katz so aptly points out, 'this is one of the most costly and vital elements of the plan'. If delayed construction, or faulty construction of the breakwater should lead to elimination of the boat basins, the proposed North Point Park/Marina would be totally unacceptable.

"PROPOSED AMENDMENT TO THE NORTHERN WATERFRONT PLAN

"The League of Women Voters of San Francisco objects to deletion of Page 10 -1 which calls for 'Development of major open space and a pedestrian promenade along the water's edge at the present location of Piers 37-41. (This open space should be 9 to 12 acres unrelated to commercial use, as designated in the Northern Waterfront Plan Amendment)'. We support the general principles of the Northern Waterfront Plan including: Page 16 'Greenways', a continuous pedestrian way composed of greenways and promenades to connect Aquatic Park with the Bay Bridge, and possible future expansion from the Marina green to China Basin. Page 18, 'Edges', stresses the importance of the demarcation between land and water. The concept of a linear park along the shoreline, providing this edge, is stated to be one of the most important organizing elements of the Northern Waterfront Plan. We are opposed to any amendment which destroys this element of the Northern Waterfront Plan.

"ZONING

"Port Study: League of Women Voters of San Francisco support adherence by the San Francisco Planning Commission to its legislative controls such as, but not limited to, height and bulk requirements."

During the course of Ms. Sprouse's presentation, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Bierman stated that it did not appear to her that the proposed project would conflict with the possibility of a pedestrian promenade along the waterfront. Rai Y. Okamoto, Director of Planning, confirmed that the proposed project would not conflict with the possibility of the pedestrian promenade.

John Holmes, representing the Telegraph Hill Dwellers, read and submitted the following statement:

"We are still opposed to this project, for the reasons submitted on 7/29/1976 in our memorandum which is on record.

"Concerning the EIR, we urged the Planning Commission to declare that it has a negative impact on the environment and economy.

"Concerning the proposed amendment to the Northern Waterfront Plan of July 19, 1976, and proposed zoning changes, both of which are tailored to the needs of the project, we urge rejection.

"Should the Planning Commission nevertheless agree to issue a conditional use permit, we respectfully urge that the following conditions be included:

- "1. Reduction of the garage to 500 stalls.
- "2. Require the developer to negotiate use of available parking spaces in nearby garages which are not used on weekends and nights.
- "3. Reduce the density of commercial development by at least 1/3 in order to avoid overdevelopment and congestion and to soften the negative economic impact on Fisherman's Wharf which, according to the DEIR could be felt beyond 1985 (See DEIR II, pp. 113-118).
- "4. Increase the size of the park to match the original scope proposed in the present Master Plan for the Northern Waterfront (regardless of traffic modifications along The Embarcadero).
- "5. Require the developer to build the breakwaters and the park before or simultaneously with the commercial development.
- "6. Require adequate bonding to complete the development as promised (including breakwaters, park and other amenities).
- "7. Disallow any helicopter activity.
- "8. Disallow the use of the Marina by speedboats and set strict limits for noise generated by sports fishing boats.

- "9. Require the developer to share the costs of relocating streets, utilities and railroad tracks with the City, since it is obvious that they would not occur without the development.
- "10. Prohibit construction to coincide with the Sewer Construction planned for North Point Street and The Embarcadero."

Commissioner Bierman asked if the proposed project would have helicopter landing facilities. Mr. Simmons replied that a helicopter pad had initially been contemplated; however, it had been deleted from the project.

Alessandro Baccari, representing the Fishermen's Wharf Merchants Association, stated that his organization was not opposed to the proposed project and had gone on record in support of it. However, the proposed project did raise certain concerns. At one point, the possibility of entirely blocking The Embarcadero had been discussed; and he indicated that his association had taken the position that The Embarcadero must remain open for free access. His association was also concerned about parking. Parking is presently available at Jefferson and Taylor Streets for customers of restaurants in the Fishermen's Wharf area. However, the staff of the Department of City Planning had been preparing plans for extension of the Powell Street Cable Car Line and construction of a plaza on the site where the parking now exists. If that project should result in removal of the existing parking spaces, the members of his association felt that it was essential that the parking should be replaced on the site or on Pier 45. They did not wish to become dependent on the garage which the applicant was proposing to construct. He remarked that the Cannery parking lot is being developed as a commercial complex; and he had heard that another parking lot on Jefferson Street might be developed in the near future. Under the circumstances, he felt that it was imperative that the existing parking for the Fishermen's Wharf area be retained or replaced in the immediate vicinity.

Commissioner Starbuck stated that it was his understanding that the applicant's proposal would involve narrowing of the roadway of The Embarcadero but that the street would remain open. Mr. Gill stated that the current proposal was to reconstruct The Embarcadero with two north-bound lanes and one south-bound lane. In addition, a lane would be reserved for rail transit. The original proposal would have closed The Embarcadero.

Commissioner Bierman, noting that a number of improvements are being planned in the Northern Waterfront area, stressed that it would be important for everyone to work together in order to assure that the end result meets everyone's need.

Commissioner Starbuck asked if the members of the Fishermen's Wharf Association, in endorsing the proposed project, had given consideration to the fact that a very substantial amount of business was projected for the new development. Mr. Baccari replied that the members of his association were concerned about the impact which the new development would have on the area; but they were not afraid of competition. However, parking is extremely important to restaurants; and they did not wish to have their position weakened by loss of the existing parking spaces at Jefferson and Taylor Streets.

The Director stated that the staff of the Department of City Planning, is considering plans for the Cable Car extension and the new plaza, was aware of the desirability of retaining the off-street parking spaces; and he indicated that he would keep Mr. Baccari's concerns in mind.

Commissioner Bierman stated that she questioned the desirability of approving a 1000 car parking garage for a single developer; and, before voting in favor of such a facility, she felt that the Commission should require the applicant to demonstrate that the proposed project would, in fact, generate a need for such a large number of parking spaces.

Mr. Gill stated that a parking garage on the proposed site would conform with the Northern Waterfront Element of the Master Plan which calls for parking on the periphery of the Fishermen's Wharf area.

Commissioner Dearman stated that she would be reluctant to support the proposed garage if it would in any way have a detrimental effect on established restaurants in the Fishermen's Wharf area. After the Director had remarked that the question of removing or retaining the parking spaces at Jefferson and Taylor Streets had no direct relationship to the proposed project, Commissioner Dearman remarked that construction of the proposed 1000 car garage might make it easier to justify removal of the parking spaces at Jefferson and Taylor Streets in the future; and she indicated that she was concerned about that prospect.

Commissioner Bierman remarked the Fishermen's Wharf Association could have come before the Commission in opposition to the proposed project; but they had been willing to face the new competition and to endorse the project. It seemed to her that construction of a 1000 car parking garage on the subject property would shift the balance of business eastward; and, under the circumstances, she hoped that the applicant would take another look at his proposal with the objective of reducing the size of the proposed garage.

Commissioner Starbuck asked if the Fishermen's Wharf Association had advocated use of Pier 45 for parking. Mr. Baccari replied that the Fishermen's Wharf Association had taken the position that the parking at Jefferson and Taylor Streets should be retained or replaced on Pier 45. He stated that the Fishermen's Wharf Association had made proposals for improvements in the area three years ago; and he hoped that the staff of the Department of City Planning would make an effort to implement those proposals.

Commissioner Starbuck then asked Mr. Baccari if the garage at the Cannery is being used to capacity. Mr. Baccari replied that there is very little activity in the Fishermen's Wharf area before 10:00 a.m. However, it was his understanding that the garage at the Cannery is heavily used when the area is busy; and he expected that the new hotel which is to be constructed will increase usage of the garage.

Commissioner Mellon stated that he did not understand why construction of a 1000 car garage on the subject site would adversely affect Fishermen's Wharf. Mr. Baccari replied that the garage would affect Fishermen's Wharf only if existing parking spaces adjacent to the Wharf are removed.

Tom Bentley represented Joseph Berlardi, President of the Hotel-Motel-Restaurant Employees and Bartenders Union. He felt that the citizens of San Francisco should get down on their knees to thank God that a private developer was willing to spend money on a decrepit and rundown area which is providing no revenue to the city at the present time. He expected that the proposed project would make money; and, if so, he would claim some of that money for the 25,000 members of his union. He regarded the proposed project as necessary and vital; and he stated that his union was completely in support of the applicant's proposal. However, he remarked that all of the restaurants on Fishermen's Wharf are union operations; and he felt that it was imperative that any adverse impact which the proposed project might have on those restaurants should be resolved.

Stanley Smith, representing the San Francisco Building Trades Council, introduced five representatives of the Building Trades who were present in the meeting room. He advised the Commission that approximately 6000 of the 17,000 construction workers which he represented are unemployed; and an additional 5000 or 6000 workers are under-employed. He emphasized that the proposed project would provide a great many construction jobs; and he remarked that each construction job generates five other jobs. He stated that he had been contacted by the applicant approximately 6 months ago and had reviewed the plans for the proposed development; and he had been very impressed with what he had seen. He assured the Commission that he would not endorse a poor project merely for the sake of jobs; and he indicated that he felt that the proposed project would enhance the city. In fact, the project would be much more attractive than the "plastic" developments which have occurred in the Fishermen's Wharf area in recent years. In conclusion, he stated that he felt that the applicant's biggest mistake had been to delete from his project the tower which had originally been proposed.

Stan Lachey, a party-boat operator and a member of the Committee for the Improvement and Preservation of Sport Fishing in San Francisco, remarked that the berthing facilities at Fishermen's Wharf are in miserable shape; and he felt that construction of new berthing facilities with private capital should be encouraged. He stated that San Francisco has lost many boats and customers to other communities because of inadequate berthing facilities; and he hoped that the proposed project with its boat marina and sport fishing berths would be allowed to proceed.

Ron Halder remarked that fishermen are neglected in San Francisco. In fact, better facilities are available for fishermen in Mexico than in San Francisco. He felt that the proposed project offered San Francisco a great opportunity to become competitive with other cities; and he emphasized that there was a great deal of support for the applicant's proposal. He hoped that it would be approved.

Judy Sheldon, representing the Citizens Waterfront Committee, stated that her organization wanted assurances that the Commission would take all necessary steps to guarantee that the proposed project would be a quality development which would benefit the city. In that regard, she recommended 1) that the Commission should require the applicant to post a performance bond for the entire project, as opposed to a bond for just the park, to assure that the project is completed as proposed; 2) that the Commission should establish a condition providing that the applicant would not be allowed to sell, transfer or lease the property to anyone else without prior approval of the Commission; and, 3) that the Commission should require that the park be constructed at the same time as the garage and the commercial space. She also suggested that the park should have green areas as recommended by the representative of the League of Women Voters. She stated that she had seen no evidence of need for a 1000 car garage; and, as a result, she felt that it would be desirable if the proposed garage could be constructed in phases. She remarked that the results of a study conducted by the Department of City Planning indicated that the proposed project would generate a need for 750 off-street parking spaces on Saturday afternoons during July and August. However, since that peak usage would occur only on eight or nine days a year, she questioned whether that number of parking spaces should be provided. She felt that the phasing should occur on only a portion of the lot and not on a floor by floor basis; and, if a need for additional parking spaces is demonstrated in the future, she felt that it would be reasonable to allow the garage to expand. However, she was bothered by the spectre of having a 1000 car garage built and then finding that the rest of the project would not proceed. In conclusion, she stated that she was confused as to how the mitigation measures mentioned in the Environmental Impact Report would be implemented.

Mr. Simmons stated that he had assured Ms. Sheldon's committee that the proposed project would be constructed without any phasing.

Donald Wyler, representing Gerson Bakar & Associates, remarked that the proposed project would be of significant economic value to the city at a time when the Port is in need of funds. He expressed support for the project and urged that the subject applications be approved by the Commission.

Hugh Griffith stated that he would support any proposed development which would offer him a berth for his boat within the next six years. He advised the Commission that San Francisco has a need for 5000 berths for small boats at the present time; and it was estimated that there will be a need for an additional 5000 berths by 1985. The proposed project would provide only 250 berths; but it would be a step in the right direction.

Stu Knott, representing the Schlage Lock Company, hoped that San Francisco would experience a renaissance in shipping activity; however, before new shipping can be attracted to the city, new facilities will have to be provided. He remarked that the proposed development will provide revenue to the Port; and he felt that such revenue sources would improve the Port's credit rating and enable it to obtain financing for new facilities.

Jerry Levine, President of San Francisco Tomorrow, read and submitted the following statement:

"San Francisco Tomorrow recognizes that the present plan for the North-point Park/Marina has evolved considerably from the original proposal and that many of the objectionable elements earlier opposed by SFT have been removed.

"We also find that such components as the small boat marina, the sports fishing facilities, and the park spaces, as well as the overall design approach, can be an improvement to the Northern Waterfront. We urge the following modifications:

1. Traffic and Parking

"The Northern Waterfront has experienced in the past decade continually increasing traffic congestion, as indeed have other parts of the city. SFT believes that this condition cannot be allowed to continue, with or without the present proposal, and that programs must be initiated to de-emphasize the auto, facilitate transit, and encourage pedestrian activity.

"SFT believes that a new project of the magnitude of this one cannot be allowed to exacerbate the traffic problem, but that steps must be taken to improve the situation.

"Specifically, we consider the following to be necessary pre-conditions for approval; this includes certain actions by the city:

- The adjacent residential neighborhoods should be protected with preferential parking.
- The proposed garage should be limited to a capacity of 250-350 stalls. It is not realistic to construct a garage with a capacity 50% greater than the maximum estimated demand, when that maximum will occur only for a few weekend hours at the height of the tourist season. Our general reluctance to accept any additional parking at the wharf is somewhat mitigated by the apparent willingness to accept reduction in on-street parking.
- The 150 day-long parking spaces reserved for Harbor Tug & Barge should be eliminated. Employee day-long parking for the proposal itself should be outside the wharf area.
- Peak weekend parking needs could be met by utilizing business-oriented parking facilities which are heavily used by commuters during business hours, but are available when waterfront needs are greatest. A shuttle system, perhaps supported partly by restaurant validations, would encourage use of such lots, which occur, for example at Mission and Stuart, and at other south of Market locations. Perhaps the 'belt rail' line could be utilized.

-- The garage should be underground so that additional public park space could be built on top.

2. Design and Quality

-- Certain elements of the project are of greater public benefit than others, and the Planning Commission must insure that these elements--the marina, the parks--are in fact built, and are programmed for early construction in the project sequence.

-- There must be certainty that the style and quality of the project are of high caliber. This includes such features as public access, landscaping, building details, street lighting, benches, etc. The developer should agree in covenant form that high-quality maintenance will occur on a continuing basis.

-- Such controls as 'conditional use' must be utilized to the fullest extent possible and any changes in zoning, or uses, must be contingent on architectural review.

3. Finance

-- SFT is concerned that the revenue for this project to the Port of San Francisco may not be optimum. Though the percentage returns seem to be standard it is not clear that the flat rate rental adequately reflects market values of the real estate, nor that adequate provision for inflation has been made.

-- Furthermore we hope the City will receive adequate revenues, exclusive of the payments received by the Port, to cover incremental expenses for sewage, water, police, fire, Muni Railway, and other services.

In short, we are very uncomfortable with the conversion of space now zoned for public use to commercial zoning. We are fearful of adverse traffic and parking impacts on the adjacent neighborhoods, and we believe that extreme vigilance will be required to insure good design. We urge the Planning Commission to provide for these factors before approving the project. If they can be satisfactorily resolved, the Northpoint Park/Marina can be an asset to San Francisco."

Ty Campbell represented himself and other individuals who own boats and desire to berth them in San Francisco or to visit San Francisco by boat; and he urged that the proposed project be approved.

Jack Prudhomme stated that people have spent a great deal of money on parks for their four-legged friends; and he felt that money should be spent to provide "parks" for our four-wheeled friends. He stated that there is a need for additional parking spaces in the Fishermen's Wharf area; and he felt that the proposed project, including the 1000 car garage, should be approved.

Steve Weicker, President of the Junior Chamber of Commerce, felt that the proposed project had very positive design aspects; and, while there were complexities associated with the proposal for a 1000 car parking garage on the subject site, he felt that the overall concept of the project would result in a development which would be beneficial for San Francisco. He remarked that restaurants at Fishermen's Wharf are often crowded; and the proposed project, with its restaurants, would be able to accommodate the over-flow crowd and redistribute patronage, thus lessening congestion in the Fishermen's Wharf area. The new restaurants would also have an appeal for San Francisco residents who always like to go to new places. Employment is a critical issue in San Francisco; and the proposed project would provide jobs. San Francisco has the second highest per capita tax requirement in the United States; and the situation would become worse if the Port were forced to go on the tax rolls for lack of sufficient revenue. The proposed project would provide additional revenue for the Port. He felt that the design of the proposed project could in no way be considered as offensive; and, if the project were to be disapproved, he doubted that developers would be willing to undertake major projects in San Francisco in the future.

Russ Holtzer, operator of a charter boat business, stated that he expected to move his business to the proposed project when it is completed. He believed that the proposed project would generate a need for more parking spaces than were being proposed by the applicant; and he was puzzled by the fact that objections had been raised to the proposed 1000 car parking garage.

Horst Kampschulte, an Environmental Planner and Designer, remarked that many projects had been proposed for the waterfront which had never materialized; and, while he felt that it was important for the Commission to hear comments from members of the public, he also felt that the Commission should give favorable consideration to plans which had been prepared by professionals. He believed that it would be unfortunate if the proposed project were to be turned down by the Commission. If the project were disapproved, the property would continue to deteriorate; and, although some people have suggested that the property should be used for a park, he emphasized that the Recreation and Park Department had taken the position that it cannot afford to maintain any additional parks.

Vernon Noller stated that he was anxious to encourage the return of pleasure boats and fishing boats to San Francisco; and, as a result, he was in favor of the proposed project and would support others like it. He remarked that the proposed project had already been the subject of a great deal of planning; and he urged the Commission to vote favorably on the applications under consideration.

At the conclusion of the public hearing, the Director recommended that the items under discussion be taken under advisement until the Commission's next meeting on Thursday, August 26, at 5:00 p.m.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SEP 28 1976

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, August 19, 1976.

The City Planning Commission met pursuant to notice on Thursday, August 19, 1976, at 2:15 p.m. in the Meeting room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Richard Hedman, Planner V-Urban Design; Alan Lubliner, City Planning Coordinator; Jonathan Twichell, Transit Planner III; Robert Feldman, Planner II; Eva Levine, Staff Aide I; and Lynn E. Pio, Secretary.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of July 29, 1976, be approved with one correction.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported on actions taken by the Board of Permit Appeals on the previous evening indicating that of three cases on appeal from actions of the Zoning Administrator, one was overruled, one was sustained, and one was withdrawn.

Commissioner Rosenblatt indicated that a member of the Board of Permit Appeals had suggested that the City Planning Commission might wish to schedule a joint meeting with the Board of Permit Appeals to discuss general issues of mutual concern. After discussion, the Commission requested that members of the Board of Permit Appeals be invited to attend the Commission's meeting on September 2, if they so desire, insofar as the Commission will be considering several items on that day which may later be appealed to the Board of Permit Appeals.

The Director suggested that the Commission might wish to schedule a preliminary hearing on the Environmental Impact Statement for the Upper Ashbury Rehabilitation Assistance Program. He remarked that the Department of City Planning had been criticized for delays which had occurred in preparation of the Environmental Impact Statement; and he believed that a preliminary hearing might help to speed up the process. The Commission requested the staff to schedule a preliminary hearing.

The Director advised the Commission that a member of the staff will attend two workshop sessions scheduled for next week to discuss the future of the Goodman Building.

The Director reported that a field trip will be scheduled at 11:00 a.m. next Thursday to visit properties which will be considered by the Commission in September. The Regular Meeting next Thursday will commence at 1:15 p.m.

The Director indicated that the meeting of the Planning, Housing and Development Committee of the Board of Supervisors which had been scheduled for last Tuesday was cancelled. No new date has been set for consideration of the calendared items.

The Director stated that he had met with representatives of the Golden Gate National Recreation Area and indicated that they wish to make a presentation before the Commission in November.

The Director announced that he had asked William Ward of the staff of the Department of City Planning to serve as a special assistant in his office.

ZT76.5 - CONSIDERATION OF RESOLUTION OF INTENTION TO HOLD A PUBLIC HEARING
ZM76.7 ON THE ESTABLISHMENT OF AN UPPER MARKET SPECIAL SIGN DISTRICT AS REQUESTED BY THE MAYOR'S ADVISORY COMMITTEE ON UPPER MARKET STREET. REQUIRES A CHANGE IN THE TEXT OF THE CITY PLANNING CODE AND A RECLASSIFICATION TO ESTABLISH A NEW SIGN DISTRICT ALONG MARKET STREET FROM THE CENTRAL SKYWAY OVERPASS TO THE VICINITY OF CASTRO STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that the Commission had adopted Resolution No. 7539 at its previous meeting on August 12 to declare its intention to hold a public hearing to consider the proposed text amendment and reclassification. However, the agenda for that meeting had not indicated that the matter would be considered. Under the circumstances, he felt that it would be appropriate for the Commission to reaffirm the previously adopted resolution at the present time. After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Bierman and carried unanimously that Resolution No. 7539 be reaffirmed.

Mr. Steele indicated that the public hearing on the Upper Market Street special sign district, as well as public hearings on two additional billboard matters initiated by the Board of Supervisors, will have to be scheduled on September 23 rather than on September 12 as reported last week. The meeting will be held at 7:30 p.m.

STATUS REPORT ON THE FINDINGS OF THE PLANNING, OPERATIONS AND MARKETING MUNI STUDY, REPORT #1.

Alan Lubliner, City Planning Co-ordinator, and Jonathan Twichell, Transit Planner III, reported on the current status of the study and responded to questions raised by members of the Commission.

PRESENTATION OF URBAN DESIGN SLIDE SHOW #2.

Richard Hedman, Planner V-Urban Design, presented a cartoon slide show which he had prepared on the subject of urban design.

CURRENT MATTERS CONTINUED

Commissioner Starbuck stated that Nancy Gin, a member of the staff of the Department of City Planning, had requested permission to address the Commission relative to the proposed Charter amendment which would replace the Rule of One with a Rule of Three.

Ms. Gin, Planner I, presented a resolution which had been adopted by the Municipal Planners Association opposing the proposed Charter amendment which would replace the Rule of One with a Rule of Three and requesting the Commission to rescind its previous endorsement of the proposal. After discussion, the Commission indicated that it will reconsider its endorsement of the proposal within the next two weeks.

The meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, August 26, 1976.

The City Planning Commission met pursuant to notice on Thursday, August 26, at 11:00 a.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and his alternate Thomas G. Miller, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Wayne Rieke, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Janis Birkeland, City Planning Coordinator; Audrey Owen, Staff Assistant III; Linda Ferbert, Planner II; Ralph Gigliello, Planner II; James Hirsch, Planner II; Douglas Holmen, Planner II; Robin Jones, Planner II; Edward Green, Planner I; David Lynch, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Ivan Sharpe represented the San Francisco Examiner; Kevin Leary represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

11:00 A.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 11:00 a.m. to take a field trip to properties which are to be considered in September.

1:15 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

Approval of the minutes of the Regular Meeting of August 12, 1976, was postponed until the meeting of September 2, 1976.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Board of Permit Appeals had cancelled its meeting on the previous evening.

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The Director informed the Commission that the staff of the Department of City Planning and other City Agencies will participate in an exercise for earthquake preparedness on September 30.

The Director reported that the Finance Committee of the Board of Supervisors had released a requisition for a Staff Assistant IV to head the Commerce & Industry Study. The position will be assumed by George Swanson.

The Director announced that the Board of Supervisors had adopted a resolution requesting the Director of City Planning to prepare a report on alternatives and recommendations relating to regional financing for public transit.

The Director stated that he had been offered an opportunity to respond to a KGO editorial which was critical of the Inner Richmond Protected Residential Area Program. Since the editorial had been presented in two parts, he had been given an opportunity for a two part rebuttal. He indicated that the poll of residents of the area being conducted by the Department of Public Works has thus far reflected overwhelming opposition to the project.

The Director requested that a meeting of the Budget & Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman, Lau) be scheduled at 1:30 p.m. next Wednesday, September 1, to discuss personnell matters.

The Director reported that the first public hearing on the Environmental Impact Statement for the Upper Ashbury Rehabilitation Assistance Program will be held on Tuesday evening, September 21 at 7:30 p.m. at the Grattan School, 165 Grattan Street. A subsequent hearing has been scheduled for October 14.

Commissioner Starbuck requested that a meeting of the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman) be scheduled on September 16 to discuss proposed amendments to the City Planning Code related to sign control.

The Director reported that a final draft of a Neighborhood Facilities Report has been prepared and is being reviewed.

Commissioner Rosenblatt noted that the November ballot will contain a proposal for amendment of Section 8.300 of the Charter to exempt department heads and certain other positions from the Civil Service provisions of the Charter; and he asked if the Commission would be willing to be included in the list of sponsors of the amendment in the Voter's Handbook. After discussion it was moved by Commissioner

Bierman, seconded by Commissioner Dearman, and carried unanimously that the Commission endorse the proposed Charter amendment and that it request to be included in the list of sponsors of the amendment in the Voter's Handbook.

CONSIDERATION OF STAFF RESPONSE TO MT. SUTRO COMMUNITIES
INSTITUTIONAL PLAN.

(Under Advisement from Meeting of July 29, 1976.)

Rai Y. Okamoto, Director of Planning, reported on this matter as follows:

"Since the City Planning Commission meeting on July 29, 1976, the staff has met with community and institutional representatives to work out a mutually acceptable way of dealing with the Mount Sutro Community Master Plan. Staff has agreed to separate Commission consideration of the Mount Sutro Plan from the proposed citywide institutional expansion guidelines. A public hearing on the citywide guidelines will occur at a later date, likely in late September. Therefore, the Appendix 'B' to the staff memorandum dated June 17th is not being considered at this time.

"Before stating the staff's recommendations, I would like to note a few changes in the memorandum before you.

"On page 7, point 5: 'community residents' deleted from the first sentence. It is incorrect in reference to the Board of Supervisors resolution establishing the Committee. Only the chair of the Planning, Housing and Development Committee of the Board of Supervisors and the Chancellor of UC are official members of the Committee.

"On the map indicating the boundaries of the Mount Sutro communities, John Adams Adult School should be added as a 12th institution. The omission was merely an oversight.

"Staff would now like to recommend that the Commission accept the Mount Sutro Plan as a neighborhood plan for this area. We feel it has been through sufficient public hearings and discussions, and received the support of a significant number of community organizations to warrant acceptance by the Commission as a neighborhood plan for the area. I would also like to

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note that the policy-by-policy analysis contained in Appendix 'A' to the June 17th staff response would then become an internal working paper and would not be considered part of the Mount Sutro Plan.

"Commission acceptance would not make the Mount Sutro Plan official Commission policy for the area. The Plan would however serve to guide the Commission and staff in their review of institutional master plans and institutional development proposals. Acceptance of the Mount Sutro Plan as a neighborhood plan would also require that institutions in this area indicate how their master plans conform or do not conform to the policies contained in the Mount Sutro Plan.

"Additionally, staff would like to encourage the Mount Sutro communities to begin work on the other elements of their master plan so as to indicate a complete statement of their concerns and proposals for the area.

"To further respond to the concerns raised regarding institutional expansion in the Mount Sutro area, staff is recommending several additional actions:

- "1. In administering Section 304.5 of the City Planning Code requiring institutions to prepare master plans by December 31, 1976, the Commission and staff should direct particular attention to the master plans for institutions in the Mount Sutro area and to how the question of neighborhood impact is being addressed.
- "2. The Department should proceed with developing the detailed evaluation criteria to outline the general planning and design concerns to apply to institutions throughout San Francisco.
- "3. The Department should work with community residents and institutional representatives to find sites in San Francisco appropriate for decentralizing the services of health care and educational institutions.
- "4. The Department should assist any efforts to develop solutions to the particular problems facing the University of California Medical Center and its expansion plans.
- "5. The Department should continue to work with community residents, City Agencies and institutional representatives to develop and implement programs to reduce any adverse impacts caused by institutional development and finally;

- "6. The Commission should proceed with reclassification of the animal care facilities on top of Mount Sutro to public Open Space under the City Planning Code Height and Bulk regulations."

The Director then distributed copies of a draft resolution which he had prepared for consideration by the Commission. He noted that the draft resolution incorporated the recommendations which he had made in his report.

Commissioner Dearman congratulated the staff for the work which it had done on this project.

Douglas Engmann, President of the Stanyan Fulton Street Association, also commended the staff and urged the Commission to accept the Director's recommendation and adopt the draft resolution.

Marcia Lindeen, a resident of the Inner Sunset Neighborhood, expressed her appreciation to the staff for its responsiveness on this issue. She also hoped that the dialogue between the Department of City Planning and the neighborhood would continue, particularly in view of the fact that the issue over the University of California's proposal to construct a dental school on its campus has not yet been settled. She encouraged the Commission to do whatever it could to force the University of California Medical Center to seek an alternate site for the dental school building, preferably in the Mission district or at San Francisco General Hospital.

During the course of Ms. Lindeen's presentation, President Lau arrived in the meeting room and assumed the chair.

Ross Stromberg, attorney for the Westbay Hospital Conference, expressed his endorsement for the staff recommendations and joined Commissioner Dearman and Mr. Engmann in congratulating the staff on the job which it had done. He felt that it was time for the Commission to take action on the matter in accordance with the staff recommendation.

Anna Dardin, representing the Haight-Ashbury Neighborhood Council, expressed her support for the staff recommendation and indicated that she was pleased that the work which had been done by the neighborhood had received the recognition which it deserved. She stated that she felt that it was particularly important that the staff intended to continue to work with community residents, city agencies and institutions to address neighborhood problems related to institutions.

Tom Gwyn representing the University of California Medical Center, summarized the following letter which had been prepared by Francis A. Sooy, Chancellor of the University of California, San Francisco:

"Once again I am responding, on behalf of the campus, to the recommendations of the Planning Department staff regarding the so-called 'Mount Sutro Community Master Plan'. Before commenting on the substance of the recommendation, allow me to point out that the notice of the hearing refers to the 'Mount Sutro Community Master Plan', when in fact the document under consideration is only an institutional expansion element of what may or may not become a true master plan. We are not aware of any efforts to develop the other elements that might result in a draft master plan for full community consideration.

"Regarding the 'Recommendations for Action...', I am quite concerned, for UCSF and other affected institutions, about the terms 'Accept' and 'Official' in recommendation (1). The staff's efforts to clarify the meaning of accept refers to a) the sentiments of a large number of Mount Sutro residents, and b) it points out that acceptance does not make the Mount Sutro Plan, or element of a Plan, official Commission policy. These statements clearly acknowledge the existence of the Plan, but I am confused and concerned about the reference to 'an official Community Plan for the Area.' I question the existence of a Master Plan, and, given the controversial nature of the institutional expansion element as evidenced by the range of opinions at your March 1, 1976 hearing, I question whether it is or should be 'an official Community Plan for the Area.'

"I feel that I must make a few general comments on our posture as one campus of a State chartered institution of higher education that has at least state-wide responsibilities and that is governed by a Board of Regents. As your staff recommendations point out, 'The University of California properties, as State land, are not subject to local zoning controls...'. As a part of a state-wide system we operate within a fairly clear framework, our goals and objectives, and therefore our programs are a part of a state-wide academic plan. From time to time it should be expected that our programs, based on a state-wide need, will be in conflict with the legitimate but very local concerns of our neighbors. In the resolution of that conflict it is reasonable to expect a large institution like UCSF to make reasonable concessions to local concerns, but it is also reasonable to expect the local community to make reasonable concessions to broader objectives.

"Recently the UCSF campus requested of The Regents, with the considerable support and involvement of Assembly Speaker McCarthy, a Series of significant and painful concessions. We feel that the concessions are a remarkable show of good faith effort to compromise on our part, we had hoped that our opponents might reciprocate.

"Secondly, in response to a reasonable community request the campus has developed, at considerable public expense, a master plan for the campus. Our master plan was developed with public hearings and EIRs, before the Kopp Resolution requiring institutional master plans was ever adopted.

"In conclusion let me say that our concern for your response to the Mount Sutro institutional expansion element, notwithstanding our State chartered status, is based on our desire to cooperate as a positive force in San Francisco. As your staff points out a '...policy of totally prohibiting any institutional growth or alteration of building exteriors is overly restrictive.' Therefore, a Commission decision to 'accept' such policy as 'official' in a neighborhood plan may not accomplish a desirable planning objective."

Sue Hestor, representing the Eureka Valley Promotion Association, stated that she hoped that the Commission would not delete the word "official" from the draft resolution. She regarded the Mt. Sutro Community Plan as an "official" neighborhood plan, and she felt that institutions should realize that they are not the only entities entitled to have official policies. She stated that her organization supported the recommendation which had been made by the Director of Planning.

Commissioner Starbuck asked Mr. Gwyn if he was prepared to recommend alternate language for the draft resolution. Mr. Gwyn replied in the negative.

The Director acknowledged that the work "official" might not be the most appropriate word to describe the Mt. Sutro Plan; but he emphasized that the neighborhood had requested that the word be used. As used in the draft resolution, the work "accept" merely meant "to receive and put on record".

Commissioner Finn stated that the connotation of the word "official" troubled him; and he suggested that the words "the neighborhood plan for the area" in the draft resolution.

The Director observed that the word "the" would seem to give the neighborhood plan even more important status by implying that the plan was the only plan for the area.

Commissioner Dearman remarked on the fact that the only objection to use of the word "official" had been raised by the University of California; and she noted that the University, as a state institution, would not be legally bound to conform to the plan in any case.

Mr. Gwyn acknowledged that the University, as a State chartered agency, need not comply with local plans. Nevertheless, the Medical Center had taken the position that it would prefer that its future development be consistent with any guidelines established by the City Planning Commission; and, for that reason, the actual wording of the resolution to be adopted by the Commission was important.

Commissioner Bierman remarked that the Commission had voted unanimously to "accept" a Master Plan which had been prepared by the St. Francis Memorial Hospital; and, although she did not agree with many aspects of that plan, she had been willing to vote to accept it to be used as a resource document. By the same token, she had not objected to voting to "accept" the Mt. Sutro Communities Master Plan. She emphasized that the language contained in the draft resolution referred to the Mt. Sutro Plan as "an" official neighborhood plan; and she noted that the word "official" was not spelled with a capital "O". She felt that the Mt. Sutro Plan had earned "official" status by the process which had been followed in reviewing the plan; and she felt that the work which neighborhoods do in preparing plans should be recognized.

Commissioner Starbuck pointed out that Section 304.5 of the City Planning Code requires the submission of institutional master plans to the City Planning Commission; and he emphasized that acceptance of the Mt. Sutro Plan by the Commission would not preclude additional plans being filed in the future.

The Director noted that the Commission had formally adopted the Northern Waterfront Plan and the South Bayshore Plan as Elements of the Master Plan of the City and County of San Francisco; and he emphasized that those plans would have to be amended if the Commission were to approve a project which conflict with policies and principles in those plans. The Mt. Sutro Plan would not have that sort of official status.

At this point in the proceedings, Commissioner Mellon arrived in the meeting room and assumed his seat at the Commission table.

President Lau observed that the Commission would not be bound by the Mt. Sutro Plan and indicated that it would be used as a resource document. With that clarification, he felt that the concerns which had been expressed by the University of California should be satisfied.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7545.

At 2:25 P.M. President Lau announced a 10-minute recess. The Commission reconvened at 2:35 P.M. and proceeded with the remainder of the agenda.

ZM76.3 - SOUTH BAYSHORE AREA, NORTHWEST SIDE OF HARNEY WAY, ADJACENT TO AND EAST OF HIGHWAY 101 - PROPOSED CHANGE OF A PORTION OF SAID PROPERTY FROM 40-X TO 230-G HEIGHT AND BULK DISTRICT.
(Under Advisement from Meeting of August 12, 1976.)

Rai Y. Okamoto, Director of Planning, remarked that this matter had been taken under advisement from the meeting of August 12 and that the applicant had been requested to consider alternate building heights during the interim.

George P. Yerby, the applicant, stated that his architects had spent more than 600 man hours since the Commission's last meeting to re-evaluate the design concepts for the proposed project; and he indicated that they had worked in consultation with the staff of the Department of City Planning.

Derek Parker, architect for the applicant, showed a series of photographic slides which indicated the alternate design solutions which had been studied since the Commission's last meeting. One of the alternate design concepts had been developed within the existing 40 foot height limit; and other concepts had exceeded the 40 foot height limit at varying degrees in various locations. By utilizing high-rise construction, 300,000 square feet of open space could be provided which would not be available if the required floor area were to be constructed under the 40 foot height limit. In addition, as indicated in the Environmental Impact Report, high-rise buildings would reduce the wind velocity. A new traffic scheme had been developed which would reduce the tendency for motorists to use Blanken Avenue through Little Hollywood. At the conclusion of the architectural studies, he had recommended to the applicant that the design of the project be changed to include three buildings which would exceed the 40 foot height limit to varying degrees and that the buildings be designed more in keeping with the contours of the hill than the buildings which had been originally proposed. The new proposal would still require a change in height limit from 40-X to 230-G; but the area involved would be only approximately one-half as large as the area outlined in the original application. In fact, three new height limit districts of 130 feet, 180 feet, and 230 feet respectively would enable the project to proceed; but a single height limit of 230 feet would provide the greatest flexibility.

Commissioner Rosenblatt asked what design changes had been made which would discourage motorists from using Blanken Avenue in Little

Hollywood. Mr. Parker replied that the original plans had extended Blanken Avenue through the subject site, making it fairly easy for motorists to get to Candlestick Park and Harney Way. In the revised plans, Blanken Avenue would be stopped at a "T" intersection and carried around the perimeter of the subject property. As a result, it would be more difficult for motorists traveling through Little Hollywood to reach Candlestick Park or the proposed project itself.

Commissioner Bierman remarked that it appeared that no effort had been made to make the 40 foot height limit design schemes attractive. For instance, no plantings were depicted on the top of buildings in the model which had been prepared to depict that alternate scheme whereas the model with higher buildings had roof-top plantings. Mr. Parker replied that the roof-top deck areas in the 40 foot height limit scheme would have to be used for parking of automobiles; and, as a result, roof-top planting could not be provided.

Commissioner Bierman then asked how much additional height would be required to enclose the roof-top parking. Mr. Parker replied that the 40 foot height limit would have to be changed to 50 feet if the parking were to be enclosed.

Mr. Yerby felt that his architects had maintained the basic concepts of the project while developing a stronger and more appropriate design; and he hoped that the Commission would take positive action on the new proposal. He noted that he had submitted a letter of the Commission which read as follows:

"This will constitute the agreement of The Yerby Corporation to construct no more than the following buildings within the relocated and reduced 230-G height and bulk district proposed in the course of today's proceedings before the City Planning Commission:

One building not to exceed 230 feet in height;

One building not to exceed 180 feet in height; and

One building not to exceed 130 feet in height.

"This agreement has been authorized by the Board of Directors of the Yerby Corporation for filing with the City Planning Commission as a commitment in connection with the granting of the revised height and bulk district."

Joseph Brajkovich, 280 Tocoloma Avenue, stated that he could think of two alternate treatments of the site which would be better than the applicant's architects had proposed. The first would be to landscape the property and to turn it into a recreational area; and the second would be to develop the property with private single-family homes. He remarked that page 133 of the Environmental Impact Report had stated the opinion that any type of housing alternative on the site would not appear to be economically feasible; but that point of view had been arrived at by comparing potential residential development of the property with housing which had been constructed in the Golden Gateway. He felt that such a comparison was absolutely ridiculous. While the Environmental Impact Report claimed that the site "would be a 'pioneering' location for any residence or condominium above \$60,000", he advised the Commission that he had sold a two-bedroom, two-bath condominium three weeks ago for \$52,000; and he indicated that that condominium was located on more desirable property than the subject site. The Environmental Impact Report had also stated that past experience in the area had shown that medium to upper economic level housing projects have been unprofitable and had cited the Geneva Towers as a case in point; but the fact of the matter is that the Geneva Towers are low-income public housing and not private single-family residences. While the applicant had originally proposed two high-rise buildings in the project, three high-rise buildings were now being proposed; and he felt that three high-rise buildings would be worse than two. Furthermore, he stated that the Commission would have to change the existing height limit to accommodate the proposed project; and he felt that the Commission should not "bend the rules" for developers who would damage an established neighborhood. He stated that he had obtained the names of all owners of property within a 300 foot radius of the subject property and had contacted many of them; and he had found that some of those individuals had not received legal notice of the Commission's hearing. Later, representatives of the applicant had contacted those individuals asking them to waive their right of notice. Residents of the area had been misadvised, being promised that a mini-park would be provided on Lathrop Avenue or being told that the subject property would be used for a public housing project if the proposed project is not built. He did not understand how the Commission could approve the subject application if proper notice had not been given; and, if action were to be taken by the Commission, he indicated that he would take the matter to court.

Leslie Edge, 215 Hester Avenue, stated that his landlord, Mr. Giosso, had not received a notice of the Commission's hearing; and his property is located within a 300 foot radius of the subject property.

The Director recommended that the subject application be approved in part to change the height and bulk district from 40-X to 230-G for

the northwest portion of the site as described in an exhibit "C" which had been attached to the application as an amendment by the applicant..

After further discussion it was moved by Commissioner Finn and seconded by Commissioner Mellon that a draft resolution approving the recommended height and bulk change be adopted.

Commissioner Bierman asked if the Director felt that the letter which Mr. Yerby had submitted stating that only three buildings would be constructed within the new height and bulk district would provide sufficient protection to assure that a different project would not actually be constructed on the site. The Director replied that he intended to recommend that the Commission conduct a discretionary review of any building permit applications for the site; and he felt that adoption of such a policy would give the Commission control over any future development of the site.

Commissioner Bierman remarked that Mr. Yerby had previously promised to provide the Commission with his proposals for encouraging car-pooling and van-pooling for employees of the proposed project; and she asked if that information was available. Mr. Yerby replied that he had not brought the information with him.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that a court reporter was present and asked if the applicant would provide the Commission with a copy of the transcript of the meeting. The applicant's attorney replied in the affirmative.

Commissioner Starbuck asked if the Commission could approve the proposed change of zone subject to conditions. Mr. Steele replied in the negative, indicating that conditional approval of a reclassification application would be illegal.

Commissioner Starbuck asked if the Commission would have to initiate a new classification in the future to reduce the height limits on the property if the proposed project should prove to be unsuccessful and if an alternate use, such as housing, were shown to be viable. Mr. Steele replied in the affirmative and assured the Commission that the staff of the Department of City Planning would monitor the situation so that a change of height could be initiated in the future if necessary.

Commissioner Starbuck asked if anyone else who might purchase the property would be able to take advantage of the new height limit. Mr. Steele replied in the affirmative but indicated that the draft resolution concerning discretionary review of any project proposed

for the site was worded so that it would apply to any applicant proposing to develop the property or any portion of it.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7546 and to approve the subject application in part.

CONSIDERATION OF POLICY STATEMENT ON DISCRETIONARY REVIEW OF PROPOSED DEVELOPMENT OF PROPERTY ON THE NORTHWEST SIDE OF HARNEY WAY ADJACENT TO AND EAST OF HIGHWAY 101.

Rai Y. Okamoto, Director of Planning, reviewed the sensitive aspects of the subject property and recommended the adoption of a draft resolution which contained the following resolve clauses:

"THEREFORE BE IT RESOLVED, That any applicant to develop the property, or any portion thereof, shall be requested to prepare a master plan for the proposed development, in consultation with the staff of the Department, which shall include, but not be limited to, the following components for all phases of project development:

1. Detailed Site Plan indicating location of buildings, open spaces, landscaping, auto and pedestrian circulation, and parking facilities.
2. Architectural Plans, elevations, renderings, scale models and building specifications which conform to guidelines set forth herein and in the Comprehensive Plan of San Francisco.
3. Landscaping Plan which should conform to guidelines set forth herein and in the Comprehensive Plan. This Landscaping Plan should include, but not be limited to:
 - a. Complete coverage of the highly visible, stepped hillside with trees, shrubs and ground covers.
 - b. Adequate landscaping to screen surface parking areas from vantage points both inside the project area and outside the property, including the freeway and shoreline recreational areas.

- c. A regular schedule for maintaining all planted landscaped areas in a healthy growing condition. Any trees, shrubs, or plants which fail to show healthy growth should be replaced.
 - d. A proper legally binding bond or other security or guarantee satisfactory to the City Planning Commission, approved by the City Attorney as to form, and the City Controller as to surety, to be in an amount sufficient to cover the cost of landscaping the project shall be posted by the applicant with the Department of City Planning guaranteeing completion of the landscaping. Use of this security or guarantee to install the landscaping shall be made if installation of the landscaping falls more than 90 days behind the approved schedule described in the Staging Plan for the project. Said posting of this security or guarantee shall occur prior to the issuance of any building permits.
4. Transportation Access Plan which should conform to guidelines set forth herein and in the Comprehensive Plan. This Transportation Access Plan should include, but not be limited to:
- a. Provision of adequate transit access to the site, in conjunction with public transit operators, especially during peak hours of the day.
 - b. Provision of private shuttle transit to supplement public transit where necessary.
 - c. Auto use reduction programs to be carried out by the developer or by lessees at the initiative of the developer such as:
 - (1) Employer-provided incentives to transit use.
 - (2) Carpool and vanpool programs.
 - (3) Staggered work hours program.

- d. An overall parking plan which takes into account the provision of transit to the site and the use of multiple occupancy vehicles as alternatives to automobile use.
5. Affirmative Action Employment Plan which should include descriptions of programs to be initiated by the developer or lessees at the behest of the developer which will promote employment opportunities for San Francisco residents, particularly those living in nearby neighborhoods.
6. Staging Plan indicating the schedule for the construction of the buildings and parking facilities, the implementation of the Landscaping Plan, the implementation of the Affirmative Action Employment Plan; and

"BE IT FURTHER RESOLVED, That the City Planning Commission hereby directs the Department staff to review all master plans and subsequent building permit applications for the Bayview Hill-Candlestick Cove area and to submit to the Commission for possible review under its discretionary powers any such master plan or building applications that in the opinion of the Department staff propose construction or use which would result in detrimental effects on the property, the surrounding residential neighborhoods or recreational areas, or which would be in conflict with guidelines set forth herein or with objectives and policies in the City's Comprehensive Plan; and

"BE IT FURTHER RESOLVED, That the Zoning Administrator is hereby directed to send copies of this resolution to the applicant and to the owners of properties which may be subject to discretionary review as a result of the adoption of this resolution."

It was moved by Commissioner Dearman and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Rosenblatt, noting that the draft resolution specified that any applicant shall be "requested" to prepare a Master Plan for any proposed development of a site, suggested that it might be more appropriate to state that any applicant would be "required" to prepare such a Master Plan. Mr. Steele replied that no building permit applications would be approved without such a Master Plan in any case.

Commissioner Finn complimented the staff of the Department of City Planning as well as the developer and his architects for developing an extremely interesting design concept for the proposed project.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7547.

At 3:30 p.m. President Lau announced a 15-minute recess. The Commission reconvened at 3:45 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Mellon was absent for the remainder of the meeting and was replaced by Thomas G. Miller, his alternate.

DR76.19 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457954 FOR THE ENLARGEMENT OF A RESTAURANT USE AT 1838 UNION STREET.
(Postponed from Meeting of August 5, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the subject building permit application is being amended; and he felt that the problems which had led to the request for discretionary review might be eliminated. Therefore, he recommended that consideration of this matter be postponed indefinitely.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that consideration of this matter be postponed indefinitely.

R75.19 - SALE OF PROPERTY BOUNDED BY SHAFTER AND THOMAS AVENUES BETWEEN GRIFFITH AND FITCH STREETS, LOT 1 IN ASSESSOR'S BLOCK 4794. (HERBST ESTATE PROPERTY.)

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"The proposal is the sale of property in the block bounded by Shafter and Thomas Avenues and Griffith and Fitch Streets, Lot 1 in Assessor's Block 4794, in the South Bayshore District and adjacent to the proposed Candlestick Shoreline Park. This property, and Block 4805 to the southwest, was conveyed to the City in 1974 by the Herbst Foundation, with no restrictions or conditions as to the future use of the property. This gift was reviewed by the City Planning Commission on May 9, 1974, and was found to be in conformity with the Master Plan.

"The Legallet Company has requested the opportunity to purchase the subject property. The lot includes approximately 100,000 square feet, is presently undeveloped, and is adjacent to the Legallet Tanning and Legallet Wood Companies, which occupy two blocks to the northeast. Block 4805 to the southwest is within the project boundaries for the Candlestick Shoreline Park, as is land to the south and east.

"The State Department of Parks and Recreation has advised that Block 4794 is not within the current acquisition plan for the Shoreline Park. The Citizens Action Committee for Candlestick Shoreline Park, however, has requested the State to include the block within the Park. Therefore, it would appear that the block should not be considered at this time as definitely excluded from the Park boundaries.

"The subject property may be within the future route for State Route 230. The Board of Supervisors, in November 1975, approved the inclusion of State Route 230 in the Federal Aid Urban system as a corridor route, so that its realignment and design could be restudied, and asked that Route 230 be retained in the State Highway System but without a Freeway Declaration. The State Highway Commission, at a meeting in October, will consider rescission of the freeway designation, and will consider authorizing the State Department of Transportation (CALTRANS) to participate in a study with City and County agencies to determine the need for, and the alignment and capacity of, a conventional highway. At this time the subject parcel cannot be considered as outside the potential route corridor.

"The Thoroughfares Plan of the Transportation Element of the Master Plan includes a route for the Hunters Point Freeway as a surface parkway. The Recreation and Open Space Element calls for provision of new public parks and recreation facilities along the shoreline, and calls for major new maritime parks at Candlestick Point. The South Bayshore Plan calls for recreational use of the Candlestick Cove shoreline, and calls for linear parks and planted buffer zones. The Urban Design Element states, in Fundamental Principle for City Pattern #15, that strong and organized development adjacent to parks creates an effective contrast and can complement the park edge.

"The Recreation and Open Space Element, in Citywide System Policy 1, states that when public land becomes surplus to one public use, it should be reexamined to determine what other uses best serve public needs. Priority is given to direct public uses that meet either immediate or long-term public needs. It states that where surplus land is not designated for open space, the site should be evaluated for its usefulness for a number of public uses, including open space and recreation.

"It is recommended that the Director be authorized to report that the sale of property bounded by Shafter and Thomas Avenues, between Griffith and Fitch Streets, Lot 1 in Assessor's Block 4794 (Herbst Estate property), is not in conformity with the Master Plan at this time, as the sale may preempt future public use of the land for park or roadway purposes, and would prematurely remove public control over its use."

Mr. Bash also submitted correspondence which had been received in connection with the matter under consideration.

Commissioner Miller remarked that the proposed sale was being handled by the Real Estate Department; and he indicated that the Real Estate Department usually works closely with the Department of City Planning. While he appreciated the concerns which had been raised by the staff of the Department of City Planning, he stated that it was his understanding that the State of California had recently taken the position that the subject property would not be included in the Candlestick Shoreline Park and that the sale of the property would not conflict with any plans for construction of highways.

John Donovan, representing the Real Estate Department, confirmed that his department had received letters from the State indicating that the subject property would not be included in the Candlestick Shoreline Park. He had talked with representatives of the Department of Transportation and had been advised that plans for State Route 230 had been suspended and that the State had disposed of its own surplus property which had been acquired for that project. He stated that the Legallet Company had offered the City \$150,000 for the property.

Commissioner Finn asked Mr. Donovan if he had received any correspondence from the Department of Transportation confirming their position. Mr. Donovan replied in the negative.

Mr. Bash stated that the Department of City Planning was not aware that the State had rescinded its plans for State Route 230; however, even if that action had been taken, it would not necessarily mean that no roadway whatsoever would be constructed in the area.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), felt that it would be unwise for the City to sell the property at the present time because of the reasons which had been cited by Mr. Bash. He advised the Commission that the Legallet Company is a non-conforming use which could not legally expand onto the subject property; and, as a result, if that firm were to purchase the property, it could use it only for parking. Under the circumstances, he suggested that the Commission should explore the alternative of leasing the property to the Legallet Company on a year-by-year basis until the issues raised by Mr. Bash have been clarified.

Commissioner Finn stated that it was his understanding that the issues may be resolved within the next few months.

Commissioner Starbuck remarked that correspondence which had been received in support of the sale seemed to express the point of view that the sale would not interfere with current plans for the Candlestick Shoreline Park; but the letters did not mention the possibility that the sale of the property might affect long-range plans for the park.

Commissioner Bierman asked if a temporary leasing arrangement would be acceptable to the applicant. Mr. Steele replied that he assumed that such an arrangement would be acceptable.

Richard Ross, a staff worker for the 15th Assembly District, stated that the Candlestick Park Advisory Committee had held its first meeting on March 15; and at that time the Committee had voted unanimously to request the City to make the subject property available to serve as a buffer zone between the Candlestick Shoreline Park and the Legallet Cannery.

Roy Anderson, agent for the Legattet Canning Company, stated that his clients had been trying to acquire the subject property since November, 1974. At that time he had contacted Assemblyman Willie L. Brown and asked for his assistance; and, as a result, the Legallet Canning Company had received a letter from Sacramento in May, 1975, stating that the subject property would not be needed for the Shoreline Park and indicating that the property was not included in the current acquisition plan. The proposal for acquisition of the property had been administratively approved by other city agencies; but it had become bogged down in the Department of City Planning. Subsequent meetings with State legislators had resulted in

another letter from Sacramento dated May 19, 1976, which again confirmed that the property would not be acquired for the State Park. While he acknowledged that there was a possibility that a road might be constructed in the area in the future, he felt that the most logical route for the road to follow would be around the perimeter of the subject property and not directly through the property. He stated that the Legallet Canning Company was founded in 1930 and was a conforming use at that time. Presently, the firm employs 200 people. The Company is losing property which it has used in Block 4814; and it wished to acquire the subject site to replace that property. At the same time, the sale of the property would provide revenue for the City. In conclusion, he stated that his client had experienced so many delays that he was losing interest in the project.

Commissioner Bierman asked if the Legallet Canning Company would consider leasing the property from the city.

Charles Legallet replied in the negative. He stated that his firm had spent three million dollar to install an effluent treatment system; and he felt that that should be a good indication that the firm intends to remain in its present location. He felt that it would be desirable to have a buffer between the canning plant and the shoreline park; and he wanted to acquire the subject property to assure that the buffer zone would exist. He intended to use the property for warehousing; and he indicated that he would plant the perimeter of the property with pine trees. He stated that his firm has adequate parking at the present time; and he indicated that leasing of the property would not fulfill the long term needs of his company. In conclusion, he remarked that the portion of the shoreline park in the immediate vicinity of his company will not be developed for at least five years.

Mr. Anderson stated that he and his clients had made an effort to talk with the Candlestick Park Advisory Committee; but that committee had apparently not held any meetings since March 15. If he and his clients would have been invited to attend that meeting to discuss the matter, he did not feel that the committee would have opposed the sale of the property.

Commissioner Dearman remarked that it appeared highly unlikely that the State would be willing to buy the subject property.

Mr. Ross emphasized that the Candlestick Park Advisory Committee had taken the position that the property should be included in the park; and he indicated that the State will assign someone to work with the committee in November.

Mr. Anderson remarked that the subject property has no water frontage; and he noted that a portion of the block is already developed with an industrial use. Under the circumstances, he felt that it would be a useless addition to the park.

Commissioner Finn moved that this matter be postponed for at least one month so that the staff could obtain more up-to-date information concerning the subject property's relationship to the park and to any new roadway which might be constructed in the area in the future. The motion was seconded by Commissioner Dearman.

Commissioner Dearman asked if it would be possible for the applicants to meet with the Candlestick Park Advisory Committee during the interim. Mr. Ross replied that he would ask the committee if it would be willing to hold such a meeting.

Commissioner Starbuck asked when the Real Estate Department will hold its next auction. Mr. Donovan replied that the next auction will probably not be held until early next year.

Mrs. Andrew Gallagher, representing the Southern Promotion Association, felt that it would be helpful if the applicants were given an opportunity to meet with the Candlestick Park Advisory Committee before action is taken on the matter by the Commission. She advised the Commission that the former owner of the subject property had been unable to sell it; and she remarked that the offer which had been made by the Legallet Canning Company was quite generous.

Mr. Anderson felt that the new Shoreline Park would be a greater detriment to industries in the area than the industries would be to the park. As more people come to the area, the industries will become less secure; and it was for that reason that Mr. Legallet wished to purchase the subject property. In view of all the delays which had occurred, he hoped that the Commission would be willing to resolve the issue during the current meeting.

Mr. Legallet stated that he would rather withdraw his offer than to face further delay.

Commissioner Finn stated that he would like to be in a position to resolve the matter during the present meeting; but he felt that the Commission should solicit letters from Cal-Trans and the State Parks Department expressing their official positions regarding possible use of the subject property.

Mr. Legallet stated that he had no immediate plans for the property; but he was growing tired of the delays.

Commissioner Bierman stated that she appreciated the fact that Mr. Legallet's proposal had been under consideration for a long period of time; however, she emphasized that this was the first time that the matter had been before the City Planning Commission. While she felt that there was little chance that the subject property would ultimately be included in the shoreline park, she believed that it would be wrong for the Commission to undermine the Candlestick Park Advisory Committee by approving the sale of the property without making sure that the State is not interested in buying it.

Mr. Ross stated that it had been the recommendation of the Candlestick Park Advisory Committee that the State "acquire" the property as opposed to "buying" it. He indicated that it had been his impression that the property had been given to the City by the Herbst Estate to be used for recreational purposes; and, under those circumstances, he felt that it would be appropriate for the city to transfer the property to the State for inclusion in the park. Mr. Bash had reported that the property had been given to the city "with no restrictions or conditions as to the future use of the property"; but that was the first time that he had heard that the property was not to be used for recreational purposes.

Commissioner Finn stated that he expected that it would take at least 60 days to obtain official responses from Cal-Trans and the State Parks Department; and, therefore, he amended his motion to take this matter under advisement until the meeting of November 4, 1976. The amendment was accepted by Commissioner Dearman.

When the question was called, the Commission voted unanimously to take this matter under advisement until the meeting of November 4, 1976.

At this point in the proceedings, Commissioner Dearman temporarily left the meeting room.

R75.161 - ACQUISITION OF PROPERTY AT 1064 YORK STREET FOR
BRYANT ELEMENTARY SCHOOL.

Alec Bash, City Planning Co-ordinator, reported on this matter as follows:

"The proposal is for the acquisition by the San Francisco Unified School District of a single-family dwelling at 1064 York Street, and later a duplex at 1074-76 York Street, for incorporation into the school yard of a reconstructed Bryant Elementary School. The School is bounded by Bryant and York Streets, between 22nd and 23rd Streets, and is to be demolished and replaced as part of the Field Act reconstruction program. The property to be acquired would serve as outdoor play area for a Child Care Center and for the Kindergarten. Outdoor play area for the upper

grades would be in a separate playground at the Bryant Street frontage, approximately equal in size to the present playground, and the new school building would be at York Street, with two stories, a landscaped street setback, and landscaped screening from adjoining residential properties.

"York Street is a residential street in this area, with predominantly Victorian dwellings and flats. Bryant Street is proposed as a bicycle route in the Transportation Element of the Master Plan, and has recently received protected residential area treatment, with sidewalk bulbs and street trees as per the Urban Design Element.

"The Residence Element calls for discouraging demolition of housing that is sound or capable of rehabilitation, but recognizes the need for supporting housing with adequate public improvements, services and amenities. The Element states that recognition should be given to such factors as the quality of schools, and access to open space and recreational opportunities. The Bryant School site, at 0.69 acres, has the lowest playground area per classroom of all San Francisco non-complying schools, and the additional area would bring it to 0.84 acres, compared to a San Francisco median school site area of 1.9 acres and a State guidelines recommendation of 9 acres for an elementary school. Other alternatives have been explored by the School District, including acquiring property for the children's center elsewhere in the Mission District, locating the play space on the roof of the building, and constructing a three-story building, but all were determined to be undesirable or impractical. Based upon these considerations, and upon the design that has been developed, the taking of residential properties for the school appears justified.

"The Residence Element calls for minimizing public displacement, and providing relocation services in all cases where public actions cause displacement. The School District has indicated that such services would be provided.

"It is recommended that the Director be authorized to report that the acquisition of property at 1064 York Street, Lot 7 in Assessor's Block 4151, and 1074-76 York

Street, Lot 8 in Assessor's Block 4151, for incorporation into the Bryant Elementary School and Children's Center site, is in conformity with the Master Plan provided that the school complex be developed in general conformity with plans developed by the School District and submitted to this Department, labeled as Exhibit A, that final landscaping plans for the site be developed in consultation with this Department, and that the School District contract with the Central Relocation Service to provide uniform relocation services for any residents displaced."

No one was present in the audience to address the Commission on this matter.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Miller, and carried unanimously that the Director be authorized to report that the acquisition of the property is in conformity with the Master Plan subject to the conditions recommended by the staff.

R75.15 - LEASE OF PROPERTY AT HARNEY WAY AND BAYSHORE FREEWAY
IN BRISBANE, SAN MATEO COUNTY.

Alec Bash, City Planning Co-ordinator, reported on this matter as follows:

"The proposal is to lease Department of Public Works property in Brisbane, immediately south of the County Line and east of the Bayshore Freeway, adjacent to the Harney Way freeway access ramp. A proposal has been received by the City to develop the site with a car wash and gasoline station. The strip of land east of the Freeway, which includes the site, is undeveloped from the County line to Sierra Point, approximately two miles to the south, and borders on San Francisco Bay.

"The Recreation and Open Space Element of the Master Plan, in Citywide System Policy 1, states that when public land becomes surplus to one public use, it should be reexamined to determine what other uses would best serve public needs, such as recreation and open space. The San Francisco Bay Plan, prepared by the San Francisco Bay Conservation and Development and amended in November 1971, designates this Brisbane Shoreline as Priority Use for Recreation, with the result that any non-recreational use would require

amending of the Bay Plan. The Plan calls for a waterfront park and beach. Based upon this, it would appear that this City-owned property should be retained in its present state in order not to hinder its future development as recreation and open space.

"It is recommended that the Director be authorized to report that the lease of property at Harney Way and the Bayshore Freeway in Brisbane, San Mateo County, is not in conformity with the Master Plan, as it would hinder future development of the site for recreation and open space as called for in the San Francisco Bay Conservation and Development Commission's Bay Plan."

No one was present in the audience to address the Commission on this matter.

Commissioner Rosenblatt observed that George Yerby, who will be constructing a new development on property to the north of the subject site, had indicated to members of the Commission that he intended to landscape the city-owned strip of land along the Bay.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Miller, and carried unanimously that the Director be authorized to report that the lease of the subject property is not in conformity with the Master Plan.

R76.17 - REVOCABLE ENCROACHMENT PERMIT FOR SIDEWALK TABLES AND CHAIRS AT THE PUB, ONE MASONIC AVENUE AT GEARY BOULEVARD.

Alec Bash, City Planning Co-ordinator, reported on this matter as follows:

"The proposal is to place four tables with chairs on the sidewalk east of The Pub, One Masonic Avenue at Geary Boulevard. The sidewalk, on the west side of Masonic Avenue, is approximately 22 feet wide, and the seating area would extend out approximately nine feet. This westerly portion of Masonic Avenue, with its sidewalk, is screened from the main flow of traffic on Masonic Avenue by a landscaped mid-street island. The tables and chairs would be temporary in nature, brought out each day and taken in each night.

"The Urban Design Element of the Master Plan notes that many commercial areas have a semi-recreational aspect, and calls for improving pedestrian areas by providing human interest. The proposal would meet the

criterion of Policy 9 for Conservation for the furtherance of the public values and purposes of streets, and would not violate any of the negative criteria. A revocable encroachment permit would be the least extensive and least permanent method for the release of such space, as required by Policy 10 for Conservation.

"It is recommended that the Director be authorized to report that the granting of a revocable encroachment permit for sidewalk tables and chairs at The Pub, One Masonic Avenue, as indicated on the sketch entitled 'Proposed Encroachment' and labeled Exhibit A, is in conformity with the Master Plan."

No one was present in the audience to address the Commission on this matter.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the Director be authorized to report that the granting of the revocable encroachment permit is in conformity with the Master Plan.

At this point in the meeting, Commissioner Dearman returned to the meeting room and reassumed her seat at the Commission table.

DR76.22 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 461825 FOR ALTERATIONS TO AN EXISTING BUILDING TO ACCOMMODATE BELL SAVINGS AND LOAN ASSOCIATION AT 5505 GEARY BOULEVARD, CORNER OF 19TH AVENUE.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Commission had adopted Resolution No. 7422 on December 18, 1975, to endorse guidelines prepared by the staff of the Department of City Planning for new branch facilities for financial institutions in neighborhood shopping areas and instructing the staff to submit to the Commission for review under its discretionary powers any applications which would propose construction which might result in detrimental effects on the surrounding commercial and residential neighborhoods. He indicated that the staff was of the opinion that the proposed project might result in such detrimental effects; and, as a result, the staff was recommending that the Commission conduct a discretionary review of the building permit application.

David Lynch, Architectural Design Draftsman, described the proposed project, indicating that Bell Savings and Loan proposed to remodel the existing one-story building on the subject site for use as

a savings and loan association branch office. The facility would be occupied by the branch office presently located five blocks to the east on Geary Boulevard. He stated that the general guidelines for banks and savings and loan institutions recommends that no new financial institution be located within a 300 foot radius of any existing financial institution to avoid disruption of retail activity or concentration of a single-type of use; and he indicated that there are twelve financial institutions on Geary Boulevard between 14th and 24th Avenues. Half of those financial institutions are located within two blocks of the subject property. He stated that the subject property is located within 300 feet of three existing banks. Two of those banks are on adjacent corners of the same intersection. There is also a savings bank facility on the adjacent lot to the west; and, although that bank will be moving to a new structure at 21st Avenue and Geary Boulevard, the building could be used by another financial institution in the future. He advised the Commission that a letter had been received from Thomas W. Newman, President of Bell Savings and Loan Association, indicating that the lease for the property was executed approximately six months prior to the adoption of the Commission's Resolution establishing guidelines for the location of branch banks. Mr. Newman's letter also indicated that he had received 62 signed statements of support from merchants in the area.

Mr. Steele recommended that the Commission conduct a discretionary review of the subject permit application at its meeting next week.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that a discretionary review of the subject building permit application be held at 3:30 p.m. on September 2, 1976.

At this point in the proceedings, Commissioner Starbuck temporarily left the meeting room.

DR76.25 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF A BUILDING PERMIT APPLICATION TO BE FILED FOR A SUMITOMO BANK IN THE NIHONMACHI PROJECT AT POST AND BUCHANAN STREETS.

Janis Birkeland, City Planning Co-ordinator, reported on this matter as follows:

"The proposal is for a branch bank and hardware store in the Nihomachi Redevelopment area at the north east corner of Post and Buchanan Streets, a site presently occupied by the Soko Hardware, with two floors of now vacant apartment units above.

"Sumitomo Bank is proposing to build a two story structure to accommodate the existing Soko Hardware store, and a new banking establishment which would occupy part of the ground floor and the entire floor space.

"At a meeting in January of this year with representatives of the San Francisco Redevelopment Agency and projects architects, the department staff was informed that the Nihomachi Community Development Corporation had no objections to the inclusion of the Bank at that location.

"In July, however, staff received a letter from Mr. Inouye, manager of the California First Bank, transmitting a petition signed by several Nihonmachi Merchants in opposition to the project, and citing the City Planning Department's Branch Bank guidelines as one basis for their opposition. The department has received additional letters of opposition.

"A branch bank in this location would not technically meet two of the criteria in the branch bank guidelines:

- 'The inclusion or retention of housing units above the ground floor of these facilities is encouraged where permitted by city codes.'
- 'Branch offices should not locate on shopping district streets where a number of financial uses already exist: sites should be found where no other branch bank or savings and loan building is located within a 300-foot radius.'

"On the other hand, the project meets a fundamental objective of the guidelines in retaining the retail function at the corner and along the Buchanan Street pedestrian mall, by placing the major portion of the bank on the second floor.

"It should also be noted that the project is in an area that is under the authority of the San Francisco Redevelopment Agency, and the responsibility for the selection and location of tenants rests with that agency. However, in view of the public concern expressed, a hearing on the matter may be appropriate."

Commissioner Finn noted that members of the Commission had also received a petition which had been signed by 35 merchants and property owners in the Nihonmachi area in support of the proposed project.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the Commission conduct a discretionary review of the proposed project at its meeting next week.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the discretionary review be scheduled for the Commission's meeting next Thursday, September 2, at 3:30 p.m.

At this point in the proceedings, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table.

DR75.23 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATION NOS. 460004 AND 460007
FOR THE CONVERSION OF A 4-UNIT RESIDENTIAL BUILDING
TO OFFICE AND RETAIL USES AT 3961-63 - 24TH STREET.

Ralph Gigliello, Planner II, stated that letters requesting a discretionary review of the subject building permit applications had been received from the Noe Valley Neighbors for Action and the Friends of Noe Valley; and, in addition, 1,471 individuals had signed petitions opposing the conversion of the building to commercial use. He indicated that the developer had meet with representatives of the subject neighborhood and the staff of the Department of City Planning to discuss the project; and the applicant had offered to retain existing kitchens in the building so that the building would offer an opportunity for people to use the individual units for both home and office purposes.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the Commission conduct a discretionary review of the subject building permit applications at its meeting next week.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that a discretionary review of the subject building permit applications be conducted at the Commission's next meeting on September 2, at 3:30 p.m.

DR76.24 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION TO BE FILED FOR THE CONSTRUCTION OF A ONE-STORY RETAIL HOME DECORATING CENTER WITH GROUND-LEVEL AND ROOFTOP PARKING FOR 81 AUTOS AT 49 MASONIC AVENUE.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), indicated that the City Planning Commission had adopted Resolution No. 6470 on January 8, 1970 to establish a policy of reviewing under its discretionary authority any permit applications based on a C-2 classification of the subject site. Under the circumstances, he felt that it would be appropriate for the Commission to conduct a discretionary review of the proposed project at its meeting next week.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that a discretionary review be conducted of the proposed project at the Commission's next meeting on September 2, at 3:30 p.m.

At 4:55 p.m. President Lau announced a 15-minute recess. The Commission reconvened at 5:10 p.m. and proceeded with hearing of the remainder of the agenda.

EE75.368 - CONSIDERATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NORTH POINT PARK/MARINA, PIERS 37, 39 AND 41, SAN FRANCISCO WATERFRONT DEVELOPMENT OF 133,000 SQUARE FEET OF NEW RESTAURANTS; 76,000 SQUARE FEET OF COMMERCIAL SPACE; A 250-BERTH BOAT MARINA; 40 SPORT-FISHING BERTHS; A PARK, A 1000 CAR PARKING GARAGE; AND ACCESSORY OFFICES.
(Under Advisement from Meeting of August 19, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), remarked that members of the Commission had received copies of the comments offered during the public hearing on July 29 and the responses to those comments. He also indicated that the Commission had received errata and addenda to volume #1 of the Draft Environmental Impact Report.

Members of the Commission then raised questions regarding the comments and responses; and Mr. Steele and Nancy Tellefsen, consultant to the developer, responded to the questions.

Mr. Steele then recommended that a draft resolution with the following resolve clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated August 26, 1976, concerning EE75.368, Proposed North Point Park Marina, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will have a significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under ZM75.13 and CU76.8, and before acting on proposed amendments to the Northern Waterfront Plan, does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under ZM76.13 and CU76.8, and before acting on the related amendments to the Northern Waterfront Plan, does hereby find, based upon the material contained in the final environmental impact report, and without prejudging its actions on the project itself, that the economic benefits and public services, including the marinas, park and public access to the water, that the project would provide, and the mitigation measures which could be required for the project to reduce its impacts, would act as overriding considerations to permit approval of the project in spite of its significant effect on the environment."

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7548.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE NORTHERN WATERFRONT PLAN OF THE CITY AND COUNTY OF SAN FRANCISCO.

(Under Advisement from Meeting of August 19, 1976.)

SM76.13 - NORTH POINT PARK/MARINA, PIERS 37, 39 AND 41.

REQUEST TO CHANGE THE ZONING CLASSIFICATION FROM A P (PUBLIC USE) DISTRICT TO A C-2 (COMMUNITY BUSINESS) DISTRICT AND TO CHANGE THE OS HEIGHT AND BULK DISTRICT TO A 40-X HEIGHT AND BULK DISTRICT.

(Under Advisement from meeting of August 19, 1976.)

CU76.8 - NORTH POINT PARK/MARINA, PIERS 37, 39 AND 41.

REQUEST FOR AUTHORIZATION TO PERMIT NON-MARITIME COMMERCIAL USES IN THE NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1.

(Under Advisement from meeting of August 19, 1976.)

There was no one present in the audience who wished to address the Commission on these matters.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the proposed amendments to the Northern Waterfront Plan be adopted, that the requested zoning changes be approved, and that the conditional use authorization be granted subject to the following conditions:

- "1. Development of final plans shall be in general conformity with plans on file with this authorization labeled 'Exhibit A,' and including 'Overall Plan' dated August 18, 1976 and 'Landscape Plan' dated August __, 1976; and in general conformity with conditions stated in the document labeled 'Exhibit B - Design Standards for North Point Park/Marina' and the map labeled 'Exhibit C - Site Diagram of North Point Park/Marina'. Final plans for the development of all elements of the project, including the park, garage, commercial development, signs and any temporary or permanent structures located on the site, shall be developed in consultation with the Department of City Planning and the Art Commission and shall be approved prior to approval of any building permits.

- "2. The developer shall provide a park of a minimum of 5.2 acres including the fishing area on the breakwater at Pier 41 parallel to Pier 39, of the general level of quality of Sidney Walton Park in San Francisco, and having the following features:
- a. The park and water's edge shall be designed to be freely accessible.
 - b. There shall be no permanent buildings or structures in the park, except those required for emergency services, maintenance, public transit, or other services that complement the recreational function of the park, such as small convenience food vending.
 - c. The park shall provide adequate views of the Bay from inland properties and from the park, taking into account requirements of proper park design.
 - d. The development and maintenance of landscaping shall conform to the Department of City Planning 'Standard Regulations for Landscaping Improvements,' May 1974; and all landscaping shall be continuously maintained and replaced as necessary to sustain plants in a healthy, attractive condition and to promote normal growth and full development typical of their species.
 - e. The Developer shall make provision to mitigate adverse wind effects.
 - f. A bicycle path shall be provided through the park generally parallel to The Embarcadero roadway.
 - g. Protected bicycle parking shall be provided within the proposed garage and may be provided within the project area at appropriate locations.

- h. The park shall be coordinated with the .5 acre park area under lease from the Port to Golden Gate Scenic Steamship Lines and Harbor Tug and Barge, Inc.

- "3. Prior to commencement of construction of the garage, approvals and funding shall have been obtained for the relocation of that section of The Embarcadero roadway between Powell and Kearny Streets. Prior to occupancy of any garage or commercial facilities, said roadway shall have been relocated to accommodate park development in general conformance with 'Exhibits A,B and C' on file with this authorization; unless a later date for relocation of the roadway shall have been approved by the City Planning Commission.
- "4. The parking garage shall have a maximum capacity sufficient to cover the following: 850 spaces for North Point Park/Marina, and 150 spaces for Harbor Tours as required by the Development Agreement between the Developer and the Port of San Francisco. The garage shall be designed in consultation with the Department of City Planning and the Traffic Engineering Division of the Department of Public Works in conformance with standards described in 'Exhibit B'; and shall have vehicular access and egress only at those locations shown in 'Exhibit C.'
- "5. The area of improvements to be made as part of this project shall include the following parcels, as shown in 'Exhibits A and C':
 - a. the area between the improved Embarcadero roadway and the existing curb line of The Embarcadero between Beach and North Point Streets, and
 - b. the entire areas of Seawall Lots 311 and 312.

- "6. The Developer shall provide design assistance to Golden Gate Scenic Steamship Lines and Harbor Tug and Barge, Inc. so that land leased by those companies between the existing curb line and the waterfront line east of Powell Street adjacent to Pier 41, will be developed in conformity with the overall plan of the park.
- "7. Construction of the garage shall not commence until the developer has started construction on 15 percent of the total commercial space and has binding commitments to lease at least 50 percent of the commercial space.
- "8. A proper legally binding bond or other security or guarantee satisfactory to the City Planning Commission, approved by the City Attorney as to form, and the City Controller as to surety, to be in an amount sufficient to cover the cost of constructing the park, shall be posted by the Developer with the Department of City Planning guaranteeing completion of the park. Use of this security or guarantee shall be made to construct the park if construction of the park has not begun within 90 days after 40 percent of the commercial space has been occupied, or within two years after any portion of the project has been occupied; or if said park construction has not thereafter been diligently pursued to completion. Said posting of this security or guarantee shall occur prior to the approval of any building permits for the project.
- "9. There shall be no facilities in the project which would allow the take-off or landing of aircraft."

John Holme, noting that the Commission had been requested to reclassify a portion of the subject property from P to C-2, asked for a description of the area of the site which would remain as open space. Although one of the conditions which have been recommended by Mr. Steele would require that a five-acre park be provided on the property, he found it difficult to visualize the boundaries of the proposed open space. Mr. Steele described the boundaries of the proposed open space and explained that the P and OS District had been originally based on a proposal for the construction of a sewage retention basin at the subject site which would extend into the Bay on new fill. That proposal had since been abandoned.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7549 be adopted and that the proposed amendments to the Northern Waterfront Plan be adopted.

It was then moved by Commissioner Finn and seconded by Commissioner Dearman that the requested zoning changes be approved.

Commissioner Starbuck asked if it would be possible for the Commission to consider the conditional use application before acting on the zoning application. Mr. Steele replied that the Commission could act on the conditional use application first if it wished to add an additional condition to the draft resolution specifying that the approval would be contingent upon approval of the rezoning application.

After discussion, the Commission decided to proceed with the vote on the zoning application.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7550 and to approve the requested zoning changes.

It was then moved by Commissioner Dearman and seconded by Commissioner Finn that the conditional use application be approved subject to the conditions which had been recommended by Mr. Steele.

Commissioner Starbuck remarked that the Fishermen's Wharf area is heavily impacted with the traffic which conflicts with pedestrians visiting the area; and he indicated that he questioned the real need

for the 1000-car garage which was being proposed by the applicant. The applicant had stated that the only reserved spaces in the garage would be the 150 spaces which would be provided for Harbor Tours; and, as a result, the bulk of the garage would be available for public parking. He noted that the Department of City Planning had estimated that the parking demands of the proposed project would be satisfied by 750 off-street parking spaces whereas the applicant's consultant had estimated that 1000 spaces would be needed; and that difference of opinion had not yet been resolved. He felt that the construction of the 1000-car garage on the subject property would, at the very least, aggravate the conflict between pedestrians and traffic. For the purposes of discussion, he suggested that the Commission should consider the alternative of approving no parking spaces whatsoever for the project.

Commissioner Bierman stated that she shared the concerns which had been expressed by Commissioner Starbuck; and she suggested that the Commission should initially authorize 500 parking spaces for the project with a provision for automatic authorization of an additional 500 parking spaces if the demand for the additional parking spaces can be demonstrated. She stated that she had visited the Fishermen's Wharf area on the previous week-end; and she had found that a number of garages in the area had had vacant stalls. While use of those parking stalls might require people to walk one or two blocks to reach their destination, the stalls were nonetheless available. Several of the community organizations which had supported the proposed project had expressed concern about the number of parking spaces being proposed; and she felt that there would be less impetus for rail transit on the Belt Line railroad tracks if a 1000-car garage were constructed for the proposed project. Therefore, she moved that the draft resolution be amended to provide that the initial authorization would be for a 500 car parking garage with an additional 500 spaces to be granted in the future if the need is demonstrated for the additional spaces. The motion was seconded by Commissioner Starbuck.

Commissioner Starbuck called attention to Response 24 of the Comments and Responses section of the Draft Environmental Impact Report which read as follows: "There are 1487 parking spaces within a six-block radius of the proposed project for private use that are not open to the public. About 250 of these private spaces are open during the working week and closed on week-ends. No attempt has been made to approach owners of this parking about staying open on week-ends. There are 3387 public parking spaces within this radius; prices range from free (vacant lot at Columbus and Jones) to \$1.50 per hour for the first hour (Jefferson and Beach)". Commissioner Starbuck suggested that the proposed garage should be considered in relationship to the other parking facilities available in the vicinity as described in Response 24.

Warren L. Simmons, the applicant, stated that he would not be able to get prospective tenants to invest money in the proposed project unless he could assure them that a 1000-car garage would be provided. Authorization for a garage containing only 500 parking spaces would be tantamount to disapproval of the project. As the proposed project had developed, people had objected to proposals for a tower, proposals for phasing of the project, and proposals for parking of automobiles on the piers; and, in each case, he had modified his plans to satisfy the concerns which had been expressed. However, he felt that he could not agree to a reduction in the number of parking spaces in the proposed garage without jeopardizing the project. Commissioner Starbuck asked Mr. Simmons how he reconciled the proposed parking garage with concept of rail transit through the area. Mr. Simmons replied that he thought that the idea of rail transit was a great idea. However, he expected that it would take between five and ten years to put such a system into operation; and he indicated that he could not afford to wait that long.

Commissioner Starbuck then noted that the Visitors and Convention Bureau had conducted a survey of visitors to the Fishermen's Wharf area; and the survey had indicated that the visitors regarded traffic and parking congestion in the area to be the major problem. He asked Mr. Simmons to comment on that finding.

Mr. Simmons replied that a great deal of the traffic congestion is caused by motorists circling the block to find low-cost off-street parking. He indicated that he intended to provide low-cost off-street parking; and he felt that the proposed garage would improve the traffic congestion problem in the area by getting motorists off the street.

Vernon Noller remarked that the project would contain almost 300 boat berths in addition to the various restaurants and commercial facilities; and he questioned whether a 1000-car garage would be sufficient to satisfy the parking demand which the project would generate. He was certain that a 500-car garage would be too small.

Commissioner Bierman emphasized that her motion would provide for authorization of additional 500 parking spaces if a need for the additional spaces can be demonstrated after the initial 500 spaces have been constructed.

Horst Kampschulte believed that even a 500-car garage would create a significant amount of additional congestion in the area; and he believed that the garage was being rationalized emotionally rather than logically.

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Commissioner Rosenblatt noted that the need for 1000 parking spaces was being justified in part because of the demand which would be generated by the proposed marina. However, if it should prove infeasible to construct the proposed break-water and the marina should fail to materialize, then a lesser number of parking spaces might be sufficient. Under the circumstances, he suggested that the most appropriate thing to do might be to modify one of the conditions in the draft resolution to provide that the break-water must be installed before the garage is constructed.

When the question was called on Commissioner Bierman's motion to amend the draft resolution, the motion failed by a vote of 2 to 5. Commissioners Bierman and Starbuck voted "Aye"; Commissioners Dearman, Finn, Lau, Miller and Rosenblatt voted "No".

Commissioner Rosenblatt then moved that Condition No. 3 of the draft resolution be amended to provide that construction of the proposed garage should not commence until the proposed break-water has been completed.

Mr. Simmons suggested that the stipulation might be more appropriately included in Condition No. 7 of the draft resolution which specified that construction of the garage should not commence until construction has started on 15% of the total commercial space in the project. Sidney Rudy, his attorney, requested that the proposed amendment be worded to specify that construction on the garage could not commence until 15% of the Marina has been constructed.

Commissioner Rosenblatt remarked that floating break-waters are in a somewhat experimental stage; and, if the break-water could not be constructed, there would be no Marina.

Mr. Simmons then requested that the modification be worded to indicate that the garage could not be occupied until such time as the break-water has been completed.

Mr. Steele felt that the restriction as to the occupancy would be appropriate; and he recommended that the restriction be included in Condition No. 3 of the draft resolution. Commissioner Rosenblatt amended his motion accordingly. The motion was seconded by Commissioner Finn. When the question was called, the Commission voted unanimously to amend the draft resolution as proposed by Commissioner Rosenblatt.

Commissioner Rosenblatt then moved that Condition No. 8 of the draft resolution be amended to specify that use would be made of the required security or guarantee for construction of the park if the construction has not begun within 90 days after 40% of the commer-

cial space has been occupied, or within one year after any portion of the project has been occupied. The original condition would have established a two year rather than a one year limit. The motion was seconded by Commissioner Dearman. When the question was called on the motion, the Commission voted unanimously to modify the draft resolution accordingly.

Commissioner Starbuck inquired about the status of the pedestrian overpass from the parking garage to the commercial portion of the project. Mr. Steele replied that the overpass was still included in the proposal; and he indicated that the design standards which had been prepared for the project and referred to as Exhibit B in the draft resolution specified that the overpass should be designed to minimize view blockage.

Rai Y. Okamoto, Director of Planning, stated that the staff of the Department of City Planning had been discussing the design of the overpass with the applicant. With regard to the issue of parking, he noted that the proposed project would result in the removal of a substantial number of on-street parking spaces which presently exist in the area. Robert Meyers, City Planning Coordinator, elaborating on the parking issue, indicated that 110 metered parking spaces would be removed from the north side of The Embarcadero to make way for the proposed park. In addition, 80 "green tag" spaces between the piers and 45 curb spaces would be removed. Therefore, a total of approximately 240 spaces would be removed.

Commissioner Dearman inquired about the width of the proposed pedestrian overpass. The architect for the applicant replied that the overpass would be approximately 8 feet wide.

Commissioner Dearman then asked if the pedestrian overpass would be open or enclosed. Mr. Simmons replied that he had showed photographic slides of two possible alternative design concepts for the pedestrian overpass in his initial presentation to the Commission. One of the concepts would involve a metal framework and the second would involve a wooden framework.

When the question on the main motion was called, the Commission voted 5 to 2 to adopt the draft resolution as amended. Commissioners Dearman, Finn, Lau, Miller and Rosenblatt voted "Aye"; Commissioners Bierman and Starbuck voted "No".

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

76
SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 2, 1976.

The City Planning Commission met pursuant to notice on Thursday, September 2, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, and Charles Starbuck, members of the City Planning Commission.

ABSENT: James J. Finn and Thomas J. Mellon, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Wayne Rieke, Planner IV; Janis Birkeland, City Planning Co-ordinator; Audrey Owen, Staff Assistant III; Ralph Gigliello, Planner II; Douglas Holmen, Planner II; Paul Rosetter, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of August 12, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Board of Permit Appeals, meeting on the previous evening, had not acted on any city planning matters because of insufficient attendance by members of the Board.

The Director stated that members of the staff of the Department of City Planning had attended a luncheon session at the San Francisco Planning & Urban Renewal Association (SPUR) on Tuesday to discuss the Residential Zoning Study.

The Director announced that the next meeting of the Northern Waterfront Planning Advisory Committee would be held on Friday morning, September 3, at 9:00 a.m.

The Director remarked that the Commission had held a public hearing on the Inner Richmond Protected Residential Area Project on July 27 which had been attended by approximately 800 people. At that time, the views expressed were overwhelmingly negative toward the project; and a poll which is being conducted by the Department of Public Works thus far indicates that the project is unacceptable to the community. Therefore, he recommended the adoption of a draft resolution which he had prepared with the following resolves:

"THEREFORE, BE IT RESOLVED, That the City Planning Commission, after due consideration recommends to the Board of Supervisors and Department of Public Works the modification and in some cases removal of completed portions of the project following completion of the public opinion poll and in accordance with criteria reflecting traffic management standards as may be determined by the Department of Public Works; and

"DE IT FURTHER RESOLVED, That any future traffic management programs developed in conjunction with neighborhoods keep the above mentioned criteria in mind."

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7552

Commissioner Starbuck indicated that the Implementation Committee of the Commission had met earlier in the afternoon to discuss transferable open space; however, since one member of the Committee had been absent, he stated that he would postpone his report on the results of the meeting.

R76.13 - VACATION OF 17TH STREET BETWEEN 3RD AND ILLINOIS STREETS FOR RELOCATION OF RHODES - JAMIESON PLANT FROM SOUTHEAST WATER POLLUTION CONTROL PLANT SIZE.

Paul Rosetter, Planner II, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works and the Director of Property for review as to conformity with the Master Plan.

"The proposal is to vacate a portion of 17th Street between 3rd and Illinois Streets to enlarge the site of a concrete batch plant, which is proposed to be relocated to the block south of the subject portion from a parcel

on the proposed site of the expanded Southeast Water Pollution Control Plant. The applicant, Rhodes-Jamieson and its sponsor, the Central Relocation Services of the San Francisco Redevelopment Agency, state the street space is required in order to stack rail cars supplying component material for the operation.

"The Recreation and Open Space Element of the Master Plan proposes that property directly across Illinois Street from the proposed batch plant site be acquired for a shoreline park. Shoreline Policy 2 requires that all new development improve the quality of shoreline recreation areas.

"The Transportation Element calls for Mariposa Street and Illinois Street to be developed as bicycle routes and for 3rd Street to operate as a transit preferential street and as a major thoroughfare. With the exception of the bicycle route planned for Illinois Street, no streets east of 3rd Street are noted for special treatment by this Element.

"The Urban Design Element, in City Pattern Policy 10, suggests that the purposes of streets should be indicated by means of a citywide plan for street landscaping. This Element further suggests a formal landscape design treatment for 3rd Street at this location.

"The 'Comprehensive Landscaping Plan for the Industrial Area', endorsed conceptually by the City Planning Commission in October, 1975, calls for street tree planting in the industrial area in conjunction with new development, and, if possible for an insulating screen, about 25 feet wide, of mixed trees and shrubs at district boundaries. The Plan also makes specific recommendations regarding character of planting and tree species for each street."

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), made the following recommendation:

"The Urban Design Element in Conservation Policy 9 states that release of street space may be considered favorably when in furtherance of an

industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations. Use of this street area, with railroad spur which facilitates railroad use, is considered necessary in this case. None of the negative criteria in Policy 9 are violated, nor would any action short of vacation, such as a revocable encroachment permit, be appropriate.

"It is recommended that the Director be authorized to report that the vacation of 17th Street between 3rd and Illinois Streets is in conformity with the Master Plan provided landscaping plans be developed in consultation with the Department of City Planning, which shall include installation and maintenance, including satisfactory diversion of site-generated, water-borne pollutants from planting, of: (1) street trees on the Third, 16th, Illinois and Mariposa Street frontages of the project, in general conformity with the recommendations of the 'Comprehensive Landscaping Plan for the Industrial Area,' prepared by the Department of City Planning, and (2) plantings on the Illinois Street frontage of the complex which shall provide a buffer zone as wide as possible between the Industrial use and the adjacent recreational area, with appropriate accommodation for the proposed bikeway."

No one was present in the audience to be heard on this matter.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that the vacation of the subject portion of 17th Street is in conformity with the Master Plan subject to the conditions which had been recommended by Mr. Steele.

CU76.21 - 799 PHELPS STREET, NORTHEAST CORNER OF INNES AVENUE. REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING OPERATION WITH ACCESSORY COMMERCIAL OFFICES; IN AN M-1 DISTRICT. (EE75.27)
(Continued from meeting of July 1, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that this matter had been postponed from the meeting of July 1 at the request of the applicant's attorney.

Alvin Norman, representing Archie Briggs, attorney for the applicant, read the following letter which had been addressed to the Commission by Mr. Briggs:

"Thank you once again for your careful consideration of Planning Commission Matter -- Conditional Use Application No. CU76.21 -- for authorization of an Auto-Maintenance and Repair Co-Op Do-It-Yourself Training Facility. On July 1, 1976 your commission granted the applicant two months, until Thursday, September 2, 1976, for continued public hearing.

"The Bayview-Hunters Point Community continues to research the matter as to its feasibility. At this time, however, I propose to request that you grant an additional ninety days for study of this matter by official agencies of the City and County of San Francisco charged with the responsibility of community development. I propose that the Bayview-Hunters Point Model Cities Committee, officially the citizens participation vehicle, appointed by Mayor George R. Moscone, make a recommendation to you on this matter. At the same time, I propose that the following official agencies of the City and County, the Department of Economic Development, the office of Manpower and Training, and the Department of Community Development take up this matter as it rightly falls within their purview and make recommendations to the Bayview-Hunters Point Model Cities Committee.

"For too long our city has been fragmented with community pitted against community and brother against brother within the community. Under the great leadership of our new Mayor I would hope the city can return to a unified approach to solving the problems that need solutions, such as the matter under discussion here today.

"While I am not a member of the Bayview-Hunters Point Model Cities Committee, I am chairperson of the overall Model Cities Council and will make the request officially to request participation of official city agencies to work on this matter if you grant the ninety day extension.

"Yes, we can work out this plan ourselves, but it would seem to be fairer to all parties concerned

to determine official opinions by city agencies who are funded to perform such responsibilities, such as the matter before you.

"Thank you for your attention and understanding on this matter."

Mr. Steele noted that the Department of City Planning had filed an enforcement action against the applicant with the City Attorney to abate the applicant's violation of the City Planning Code; and he indicated that the City Attorney would not pursue the enforcement action in the courts as long as the subject conditional use application is pending before the Commission. He remarked that the applicant had already been given a two month continuance; and he felt that it would be unwise for the Commission to grant an additional 90 days continuance as requested by the applicant's attorney. However, since a minister from the subject neighborhood who had expressed interest in the case was on vacation, he felt that it might be appropriate for the Commission to continue the matter for a short period of time.

Commissioner Starbuck asked if the applicant or his attorney had met with representatives from the neighborhood since July 1. Mr. Norman replied that Mr. Briggs had met with representatives of the Model Cities Agency and with Rev. Madearis.

Commissioner Bierman asked residents of the neighborhood who were present in the audience if they had been contacted by the applicant or his attorney and received a negative response. She then stated that she would support a limited continuance of the matter; but she indicated that she felt that it was important for the applicant to meet with residents of the neighborhood during the interim.

Lennie Gaines, Co-ordinator of the McKinnon Avenue Residential Community Club, read and submitted the following letter:

"Thanks to Mr. Tillman and Mrs. Thompson for delivering the necessary information to the Innes Avenue Club.

"Full consideration has been given to the proposed operations of Citrino, Inc. However, the issue involved is long term acceptable land use. Under date of August 10, 1976, the McKinnon Avenue Residential Club voted to continue to support the Innes Avenue Homeowners Association.

"Noted, the requested application is for one of a conditional use.

"Statement of Fact. Resolution No. 6358 adopted by the City Planning Commission under date of April 3, 1969 adopted guidelines for review of conditional use applications for wrecking yards in M-1 and M-2 zoning Districts.

"(1) TIME LIMITS - The resolution as adopted in 1969 specifies that the commission may desire to place limits on the duration of a conditional use approval for a wrecking yard, because of plans for the area, anticipated future development or other consideration.

"This being 1976, some 7 years later, The McKinnon Club's position is that the time limit has expired in this instant case due to the anticipated future development and other considerations for the area have been completed through feasibility studies by the City Planning Agency along with the Redevelopment Agency for rehabilitation funding for residents surrounding the area.

"(2) Distance Requirement - Noted under this guideline was the distance requirement for wrecking yards. The McKinnon Club's position is that in no way can the Club accept an exception to the guideline of allowing a wrecking yard to be approved where the distance requirement is less than 500 feet from any residential or public zoning district.

"As noted under the time limits guideline, anticipated future development, rehabilitation and other plans have been proposed through feasibility studies.

"The guidelines for locational considerations, fencing, height of open storage, adequate space, hours of operation, requirements of other departments, etc., were noted as falling within the purview of proposed operations of the Citrino, Inc., and buildings to be built. Therefore, these guidelines were determined not to be relevant in said case and response is not directed to these guidelines.

"I would like to note that the said property is presently under lease from the Joseph Levin Realty Company of San Francisco. Should the Citrino, Inc., be allowed a conditional use, comply with all the requirements of the other guidelines, the Lessors under said lease retain certain requirements such as shown in correspondence and the building plans and also would protect themselves as to what would happen in case of bankruptcy of Citrino, Inc., and as to the salvage of said buildings, should the lease be honored until completion of the time of the lease. To allow a conditional use, to allow the buildings to be built specifically for these conditional uses, leases could be given for a period upwards to 25 years or more and the properties could be leased over and over by the Lessors which is indicated here in order to protect their investment of over \$100,000.00 alone just for the buildings.

"With this thought in mind, we therefore strongly oppose the issuance of a conditional use authority and must support the Innes Avenue Club as well as the Recommendation of that of the City Planners Staff along with the analysis of the law above presented."

Cozetta Bruce, 1445 Innes Avenue and President of the Innes Avenue Club, stated that she was opposed to the subject application and indicated that she agreed with the remarks contained in Ms. Gaines' letter.

Commissioner Rosenblatt, noting that Mr. Briggs had proposed that various agencies be requested to give their recommendation concerning the subject application, asked if it would be appropriate for the staff to advise those agencies of the enforcement action which the Department of City Planning had filed against the applicant. Mr. Steele replied that he would advise those agencies of the enforcement action.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the meeting of October 7, 1976.

ZM76.16 - 2352-54 POST STREET, NORTH LINE, BETWEEN DIVISADERO AND BRODERICK STREETS.
REQUEST TO CHANGE ZONING USE DISTRICT FROM AN R-3 (LOW-MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) TO A C-2 (COMMUNITY BUSINESS) DISTRICT TO ALLOW CONVERSION OF GROUND FLOOR AREA TO A MEDICAL OFFICE.
(EE76.275)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet on Post Street and a depth 137.5 feet for a total area 3437.5 square feet. The property is occupied by a two-family dwelling with two floors of occupancy over a vacant ground floor. The applicant proposed to re-zone the subject property to a C-2 district in order to convert the vacant ground-level space of the structure to an allergy clinic with a separate entrance while retaining the existing dwelling units on the upper floors. The rear yard would be developed as an open play area for patients' children and would be shared with the dwelling units.

President Lau asked if anyone were present in the audience to speak in opposition to the subject application and received a negative response.

Mr. Steele recommended that the subject application be approved.

After further discussion it was moved by Commissioner Rosenblatt seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7553 be adopted and that the subject application be approved.

CU76.29 - 1733 SCOTT STREET, WEST LINE, BETWEEN SUTTER AND BUSH STREETS.
REQUEST FOR AUTHORIZATION TO CONVERT A HOUSE IN AN R-4 (HIGH DENSITY MULTIPLE RESIDENTIAL) DISTRICT TO A MEDICAL OFFICE BUILDING. (EE76.282)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet on Scott Street and a depth of 87.5 feet for a total area of 2187.5 square feet. The property is located in an R-4 district which has been proposed for reclassification to R-C-1. The building occupying the site, which was previously used as a single-family dwelling, has been renovated. The applicant was requesting authorization to use the existing building as offices for not more than four psychiatrists. Three off-street parking spaces would be provided on the lot. Mr. Steele

stated that the entire block in which the subject property is located is used by medical services and accessory parking so that the proposed use would constitute only a minor increase in medical office use in the area.

President Lau asked if anyone were present in the audience to speak in opposition to the subject application. No one responded.

Mr. Steele recommended that the applicaiton be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7554 and that the application be approved subject to the condition which had been recommended by Mr. Steele.

CU76.28 - 897 CALIFORNIA STREET AT THE SOUTHEAST CORNER OF POWELL STREET.

REQUEST FOR AUTHORIZATION TO CONTINUE A PARKING LOT AND TO ERECT SIGNS. (EE76.271)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 49 feet on California Street and 124 feet on Powell Street for a total area 6100 square feet. The property is zoned R-5 and is in the Nob Hill Special Use District and within a 160 foot height district. The Residential Zoning Study proposed changing the zoning of the property to an R-M-4 district; and, in addition, it had proposed that any buildings on the site should be allowed to exceed 40 feet in height only through conditional use authorization. The Nob Hill Neighbors had filed an application which would limit height on the subject property and adjoining properties to 88 feet. The property is occupied by a temporary parking lot which was first authorized by the Commission as a conditional use in 1970. The applicant requested authorization to continue the existing parking lot and to install two signs on the property. The proposed signs would be 4 X 6 feet in size and would be mounted 12 feet above the ground on posts. One, in the northeast corner of the lot, would be single-sided and would face west. The other, in the northeast corner of the lot, would be double-sided and would face north and south.

Commissioner Starbuck, noting that the Commission had once considered plans for a new building on the site, asked if that development proposal is still active. Mr. Steele replied that to the best of his knowledge the building project was completely inactive.

Commissioner Rosenblatt, noting that the parking lot has no wheel-blocks or directional signs, asked if such features had been required by the Commission when it had granted conditional use authorization for the parking lot. Mr. Steele replied in the affirmative. He stated that operation of the parking lot had changed hands; and, as a result, it had been difficult for the staff of the Department of City Planning to obtain compliance with the conditions which had previously been set by the Commission. He indicated that the staff had also received complaints that lights on the parking lot were shining into the windows of a fifth-floor apartment on Pine Street.

William Nothman, controller of the Stanford Court, stated that he had asked for information concerning the applicant's plans from the staff of the Department of City Planning but had received nothing thus far. He advised the Commission that the Stanford Court has plans for a new restaurant on the east side of its building; and he hoped that the proposed signs be located so that they would not interfere with views from the new restaurant.

Commissioner Starbuck asked if the Stanford Court utilizes the subject parking lot. Mr. Nothman replied that the Stanford Court owns an adjacent garage; however, it does occasionally use the subject parking lot. He stated that he had understood that the applicant had been required to install landscaping on the subject site; and he observed that the landscaping had not been installed. Insofar as he had not had an opportunity to review the details of the applicant's current proposal, he did not know whether he wished to oppose the application.

Mr. Steele stated that the staff of the Department of City Planning also had certain questions regarding the applicant's proposal; and, in view of the fact that the applicant was not represented in the audience, he recommended that this matter be continued until the meeting of October 7.

Commissioner Rosenblatt requested that the staff of the Department of City Planning advise the applicant that the Commission was concerned about his failure to comply with the conditions which had previously been established by the Commission and to suggest that it would be desirable if the use were brought into conformity with the previously established conditions before this matter is returned to the Commission's calendar.

Commissioner Starbuck suggested that the applicant should be able to demonstrate to the Commission the need for more than one sign on the lot.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be continued until the Commission's regular meeting on October 7, 1976.

At 3:20 p.m. President Lau announced a 15-minute recess. The Commission reconvened at 3:35 p.m. and proceeded with hearing of the remainder of the agenda.

DR76.22 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 461825 FOR ALTERATIONS TO AN EXISTING BUILDING TO
ACCOMMODATE BELL SAVINGS AND LOAN ASSOCIATION AT 5505
GEARY BOULEVARD, CORNER OF 19TH AVENUE.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 36 feet along Geary Boulevard and 100 feet along 19th Avenue for a total area of 3600 square feet. The property is occupied by a vacant one-story building which was previously used as a florist shop. The applicant proposed to remodel the existing structure for use as a savings and loan association branch office. Mr. Steele remarked that the Commission's guidelines for banks and savings and loan institutions recommend that no new financial institution be located within a 300 foot radius of any existing financial institution in order to avoid disruption of retail activity or concentration of a single type of use. He stated that there are twelve financial institutions on Geary Boulevard between 14th and 24th Avenues. Half of those institutions are located within two blocks of the subject property. The subject property is located within 300 feet of three existing banks. Two of the banks are located on adjacent corners of the same intersection as the subject property. The lot to the west of the subject property is occupied by a savings and loan facility which will be moving to a new structure at 21st Avenue and Geary Boulevard. The future use of that building is not known; but it could be used by another financial institution. He stated that the proposed project would be in conflict with the overall intent of the Commission's guidelines since it would further contribute to an existing concentration of financial institutions in a relatively small area; and, therefore, he recommended that the Commission disapprove the subject building permit application.

Commissioner Dearman asked how long the other banks at the subject intersection had been in business. Mr. Steele estimated that the other banks may have been in business at their present locations for 30 or 40 years.

Thomas Newman, President of Bell Savings and Loan Association, summarized a letter which he had addressed to the Commission which read as follows:

"Please be informed that Bell Savings and Loan Association, upon determining that it was not adequately serving the needs of its customers because of the physical limitations of its branch office, consisting of approximately 600-sq.ft., located at 5050 Geary Boulevard, undertook a search for larger quarters and successfully located same at an existing building located approximately 450-yds., westwards along Geary Boulevard at 5501 Geary Boulevard, consisting of approximately 1,800-sq.ft. It was determined by our Association that this location was and is properly zoned for the usage intended.

"Successful negotiations were concluded with the owner of the property, whereby Bell Savings obligated itself to a 20-year lease for a total cost of \$360,000. This lease was signed and executed on June 6, 1975, approximately six months prior to the existence of the subject Resolution. It should be noted that this lease covers an existing tenant of the building, occupying approximately 650-sq.ft., adjacent to our proposed branch. This tenant will not be removed by means of the proposed plans for remodeling.

"On March 25, 1975 the Association applied to the State of California, Department of Savings and Loan, for permission to relocate. Permission was granted on April 7, 1976. Considerations leading to approval by the State were distances to other Savings and Loans and that the area would be better served by our increased capacity. Bell Savings then engaged the services of an architectural firm, Bull Field Volkmann Stockwell, to undertake planning the remodeling of the structure to suit it's needs and those of the shopping area. We have spent, to date, \$6,000 for their services.

"Prior to having received approval from the State, the Association, concerned over the desires and needs of the local merchants, undertook a survey whereby all of the merchants along Geary Boulevard, between 15th and 25th Avenues, excepting financial institutions,

were shown a rough rendering of our intended design and proposed usage. We received 62 signed statements of support out of approximately 65 merchants solicited for their reaction to the proposed relocation of our branch. On February 5, 1976 our Association received a letter from the Secretary of the Geary Boulevard Merchants and Property Owner's Association stating that at a regularly scheduled meeting on January 29, 1976 they voted in favor of our projected move from the corner of 15th Avenue and Geary Boulevard to the corner of 19th Avenue and Geary Boulevard. He further explained that his Association felt that our business was an asset to their shopping area and they not only consented and approved of our move but further congratulated us upon a step which would improve the Geary Boulevard shopping area.

"It if is determined that the Association must undergo a Discretionary Review Hearing, the 62 signed statements and the Geary Boulevard Merchants letter will be presented to the Commission.

"On July 26, 1976 the Association was informed of Staff's intention regarding the General Guidelines. It was the first time we had knowledge of any objection from any governmental body concerning our relocation.

"A review of the 'General Guidelines' indicates that the Geary Boulevard shopping area was not specifically mentioned as one of those areas of concern, and that, furthermore, the Association appears to be in compliance with all of the General Guidelines excepting Guideline A.2, which refers to other branch banks or Savings and Loans located within a 300-ft., radius. If the purpose of these General Guidelines is to protect the merchants of a shopping area, we feel that we have adequately ascertained their support and have received overwhelming approval in favor of our relocation.

"It should be noted that we are not adding a financial institution to the shopping area. We are already there. Given our move of approximately 450-yds., westwards to our new quarters, space will become available in the same center for another merchant.

"The Association further contends that substantial legal and financial obligations were undertaken on behalf of this move approximately six months prior to the endorsement of the 'General Guidelines' by the City Planning Commission and, in the interest of equity and fairness to the Association and the other individual and corporate entities involved, we respectfully request that the Commission deny Staff's recommendation that we appear before a Discretionary Review Board and that the permit applied for be issued without such Discretionary Review.

"Thank you for your consideration."

Mr. Newman also stated that his firm would not lease its present quarters to another financial institution.

Commissioner Starbuck asked if the State Department of Savings and Loans would ever disapprove an application for a new savings and loan institution solely because of the proximity of the proposed facility to other banking facilities. Mr. Newman replied that the State agency's determination is made on the basis of demographic data and the size of the institutions involved. After Commissioner Starbuck had asked if the State agency was comfortable with the concept of three banking institutions at the same intersection, Mr. Newman replied that the two other financial institutions located at the intersection are banks and are not regulated by the State Department of Savings and Loans.

Commissioner Bierman asked if Mr. Newman's firm had consulted with the staff of the Department of City Planning regarding their plans. Mr. Newman replied that his appraisal staff had checked the appropriateness of the zoning of the property with the staff of the Department of City Planning; however, since they were only planning to remodel an existing building and not to construct a new one, they had not reviewed their architectural plans with the Department.

Mr. Steele stated that a great deal of publicity had been generated about proposals to install new financial institutions in the West Portal area; and he asked Mr. Newman if his appraisal staff had been aware of that issue. Mr. Newman replied that his staff had been aware of the problem in the West Portal area; and it was for that reason that his firm had taken a survey of all of the merchants along Geary Boulevard between 15th and 25th Avenue to determine if they had any objection to the proposed facility.

Commissioner Starbuck asked if residents of the area had been surveyed, also. Mr. Newman replied that the survey was primarily directed to merchants in the area although some residents of the neighborhood had signed petitions in support of the proposal.

Commissioner Rosenblatt, explaining that he is a member of the board of directors of a savings and loan institution which has a facility in the subject block, requested permission to abstain from voting on this matter. It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Commissioner Rosenblatt be permitted to abstain from voting on this matter.

President Lau observed that only four members of the Commission would be voting on this matter; and he indicated that three votes would be required for approval of the building permit application. Under the circumstances, he suggested that the applicant might wish to request that the matter be taken under advisement until other members of the Commission are present.

Mr. Newman requested that the matter be taken under advisement until the Commission's next meeting.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be taken under advisement until the meeting of September 16, 1976.

DR76.25 - DISCRETIONARY REVIEW OF PRELIMINARY PLANS FOR A
SUMITOMO BANK IN THE NIHONMACHI PROJECT AT POST AND
BUCHANAN STREETS.

Rai Y. Okamoto, Director of Planning, stated that he had participated in the joint venture of architects and consultants who had worked on the Nihonmachi Project when he was in private practice; and, as a result, he had felt it best to abstain from participation in the review of the subject application.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a corner lot with street frontages of 62.5 feet on Post Street and 97.5 feet on Buchanan Street. The site is presently occupied by a building which houses the Soko Hardware Store at ground level with two floors of vacant apartment units above. The Soko Hardware Store was proposing to build a two-story structure to accommodate the existing hardware store at its present location and a new banking facility which would occupy part of the ground floor and the entire second floor. At a meeting on January 9, 1976, the staff of the Department of City Planning was informed that members of the Nihonmachi Community Development Corporation had no

objections to the inclusion of the bank. However, in July, the staff had received a letter from Mr. T. Inouye, Manager of the California First Bank, transmitting a copy of a letter which he had sent to the San Francisco Redevelopment Agency and a petition which had been signed by several Nihonmachi merchants in opposition to the project. The City Planning Commission's Branch Bank Guidelines had been cited as one basis for the opposition. Mr. Steele stated that a branch bank in the subject location would not technically meet two of the criteria contained in the Commission's Branch Bank Guidelines. Those criteria were as follows:

- "1. The inclusion or retention of housing units above the ground-floor of these facilities is encouraged where permitted by City Codes.
- "2. Branch offices should not locate on shopping district streets where a number of financial uses already exist: sites should be found where no other branch bank or savings and loan building is located within a 300 foot radius".

Mr. Steele pointed out, however, that the proposed project would meet a fundamental objective of the guidelines in retaining the hardware function at the corner and along the Buchanan Street pedestrian mall and by placing a major portion of the bank on the second floor. He remarked that Post Street is not a major commercial street; and he emphasized that the proposed bank would have limited frontage on Post Street. While the staff would ordinarily be concerned about the loss of the housing units in the existing building, he noted that the Redevelopment agency is providing a number of new housing units in the area. He did not feel that the proposed facility would have a detrimental effect on adjacent properties; and, therefore, he recommended that the building permit application be approved. In conclusion, he stated that the Commission had received petitions signed by 40 individuals in favor of the proposed project and 14 signatures and letters opposed to the project.

Commissioner Starbuck asked if the proposed bank would have a walk-up window on Post Street. Mr. Steele replied in the affirmative.

Dick Kono, Deputy Area Director for the Western Addition Redevelopment Project Area and Coordinator of the Nihonmachi Project, read the following letter which had been sent to Mr. Inouye of the California First Bank by Arthur Evans, Executive Director of the Redevelopment Agency:

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"As a long-time advocate of and substantial participant in the revitalization of Nihonmachi, we appreciate your comments on the proposed Sumitomo Bank on Parcel 686-K(1). Your letter is consistent with our long-standing policy with regard to Nihonmachi development of obtaining the views of the Nihonmachi Corporation as well as other interested parties as a part of our development evaluation process.

"Based upon this evaluation, we have determined that a financial institution is a use which is permitted by the redevelopment plan as well as the corporation-approved Nihonmachi Urban Design Plan. It is our opinion that the use is also consistent with the Planning Commission's recently promulgated 'Guidelines' regarding the selection of sites for financial institutions. In the Nihonmachi area, as in most areas under redevelopment, a special effort has been made to balance the various social, economic and environmental needs of the area while maintaining the historic and ethnic character of the neighborhood.

"The developer in this instance has submitted a sensitive design taking into account the retail and pedestrian character of the area. The design of the building, which has been reviewed and approved by the Nihonmachi Design Review Committee, minimizes ground level space and frontage, and reflects the small scale of developments in the Nihonmachi. All of the ground level on the Nihonmachi Pedestrian Mall side of the building will become the New Soko Hardware, a long-established retail operation in the Nihonmachi. We believe, therefore, that the bank, with its public facilities, will add to the vitality of the area.

"Thank you again for your comments. We look forward to your bank's continued participation in Nihonmachi revitalization."

Masao Ashizawa advised the Commission that his family has operated the Soko Hardware Store since 1925. During the redevelopment process, his family had been allocated the site at the corner of Post and Buchanan Streets for a new building; however, they found that it would be necessary to have a substantial long-term tenant in order to make the project successful. He remarked that it appeared that opponents of the project were afraid of competition and that the supporters of the project had an appreciation for the advantages of competition.

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Victor Abe, owner of property on the Nihonmachi Mall, felt that the Ashizawa family should have a right to develop its property as it sees fit and to have the Sumitomo Bank as a tenant. While the proposed facility would be located within 300 feet of other banking institutions, he advised the Commission that the bank in the Japanese Trade Center caters to tourists and does not serve the neighborhood shopping center. In conclusion, he stated that the Board of Directors of the Nihonmachi Project had not made any attempt to restrict the type of tenants which would be permitted in the project.

Harold Iwamasa, owner of property located directly across the Buchanan Mall from the subject site, stated that he represented the petitioners who were opposing the proposed bank. While he felt that the corner property would be an excellent location for the new Soko Hardware Store, he felt that the proposed bank would overshadow the hardware store, causing it to lose its unique image. He felt that the hardware store should occupy the entire first floor of the proposed building; and he believed that the bank would detract from the retail character of the proposed development. He remarked that there are two financial institutions within a 300 foot radius of the subject property. The California First Bank is located directly across the street from the property at a distance of only 70 feet; and San Francisco Federal Savings and Loan has a facility within 200 feet of the property.

Commissioner Rosenblatt asked how much of the Post Street frontage of the subject property would be utilized by the proposed bank. Mr. Steele replied that the bank would utilize 40 feet of the property's 62½ frontage on Post Street.

Takero Inouye, Manager of the Japan Center office of the California First Bank which is located directly across Post Street from the subject property, read the following statement:

"I am her today as one of the merchants concerned about the development of Nihonmachi. I have watched the progress of the plans for the usage of the Soko Hardware property. I learned early this year of Sumitomo Bank's negotiations with the developer of the Soko Hardware property, as well as with other property owners on Post Street. In April and May, I asked Mr. Ashizawa if there had been any progress in his negotiations. He said at that time that he was still negotiating with Sumitomo Bank.

"On June 2, Mr. Ashizawa came to me and told me that he had made a contract with Sumitomo Bank already.

"I would like to stress that the developer and the proposed bank have known before any contract finally made about the Commission's Guidelines for banks and savings and loan association branch offices endorsed by you on December 18, 1975.

"The guidelines were issued to protect the character of neighborhood shopping areas such as Nihonmachi from possible disruption by a concentration of financial institutions on one street frontage, Post Street which is the main commercial street. I join with my fellow merchants along Post Street and the Buchanan mall in urging the Commission to deny the building permit sought for this location. My reasons for requesting this action are fourfold.

"1. Most of the neighborhood merchants and property owners on Post Street are immediately concerned with the usage of this property and strongly wish, because of its proximity to the focal points of the shopping center (the mall and the Peace Plaza), to bring in new retail shops to this space which will best serve Nihonmachi. The corner parcel is very important to the physical attractiveness of Nihonmachi, and only complete retail use will create increased pedestrian traffic on week-ends which will support increased business for all the merchants.

"2. The proposed bank location is directly across Post Street, and is only about 80 feet from our office. The planned entrance of the new branch will directly face our office's entrance.

"The guidelines indicate clearly that branch office sites should be located more than 300 feet from other bank or savings and loan branches.

"In this case our branch is only about 80 feet and the San Francisco Federal Savings and Loan branch in Japan Center is about 250 feet from the proposed location.

"Even if we consider that Nihonmachi area has a small scale and that its business center is concentrated, 80 feet from our office is too close and obviously violates the spirit of the guidelines.

"3. Traffic congestion on Post Street will be compounded if a new bank branch is located at the corner of Post and Buchanan Streets. When 2 retail banking branches face each other across a three lane street, it will result in a doubling of existing problems since customers from both banks are of the same character. Lobby traffic at both banks will be busy on the same days and at the same times.

"4. I would like to explain about the July 21st petition opposing the proposed use and the August 24th petition supporting the proposed use of the Ashizawa Building.

"Eight of our neighborhood merchants and property owners on Post Street and 3 merchants from the Buchanan Mall are directly concerned about the usage of the Soko Hardware property and we have jointly raised a protest to this matter. Most of the signers of the August 24th petition were not informed of the Commission guidelines and many of them are not located in the immediate area and have no direct concern with this matter.

"We do not oppose Sumitomo Bank's entrance into the Nihonmachi area. We are sure Sumitomo Bank will find a good alternative site in the Nihonmachi area. We joined the merchants protest because we believe that any bank would detract from the retail character of Post Street and the Buchanan Street Mall.

"We do not wish any division of our community over this issue. Therefore, Mr. President and Commissioners, I believe the Commission's wisdom as set forth in the guidelines should be followed, and the matter should not be judged by the number of signers of the petitions.

"Thank you."

Noboru Nakamura, architect for the applicant, indicated that he was prepared to respond to any questions which might be raised by members of the Commission concerning the proposed project.

Commissioner Dearman inquired about the amount of floor space which would be allocated to the hardware store and the bank, respectively, in the proposed building. Mr. Nakamura replied that the hardware store would occupy 2500 square feet of floor area in the building while the bank would occupy approximately 9500 square feet of space.

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Commissioner Starbuck asked if the applicants felt that it was important that the hardware store should continue to occupy the corner location. Mr. Nakamura replied in the affirmative and indicated that the applicants also felt that the bank should be kept away from the Buchanan Street Mall.

Takeshi Goto, 1662 Post Street, felt that it would be convenient to have a branch of the Sumitomo Bank in the subject area; and he indicated that it made no difference to him that two other banks are located within 300 feet of the subject site. He felt that the competition engendered by the proximity of the banks would be healthy.

Jack S. Kusaba, Senior Vice President of the Sumitomo Bank, stated that the proposed facility had been reviewed by the California State Banking Department and the Federal Deposit Insurance Corporation; and those agencies had approved the proposal for a bank on the subject site.

Steve Pots, Public Relations Officer of the California First Bank, stated that he was not opposed to having another bank in the neighborhood; however, he was concerned about the location of the proposed facility. He stated that Post Street is the principal commercial street in the area; and he remarked that traffic on the street is often congested. He advised the Commission that the California State Banking Department and the Federal Deposit Insurance Corporation do not approve specific addresses for proposed facilities.

Mr. Steele, noting that he had previously recommended that the application be approved, stated that he felt that the approval should be subject to a condition specifying that signs for the bank should be limited to the Post Street facade of the building and should not be allowed on the Buchanan Street Mall. While the Commission's Guidelines for the Location of Branch Banks and Savings and Loan Institutions specify that new branch offices should not be located within a 300 foot radius of existing financial facilities, he emphasized that the guidelines were intended to be flexibly, given the fact that situations can vary from one case to another; and, while he felt that sites for new banking facilities should not be within 300 feet of existing facilities as a general rule, he emphasized that each case must be evaluated on an individual basis. In the present case, he noted that the nearest banking facility is located across the street from the subject property; and, as a result, the two facilities would have less impact on the neighborhood than if they were located on the same side of the street.

After further discussion it was moved by Commissioner Bierman and seconded by Commissioner Rosenblatt that the building permit application be approved subject to the condition which had been recommended by Mr. Steele.

Commissioner Bierman remarked that a major portion of the proposed bank would be located on the second floor of the new building; and, as a result, the ground floor impact of the proposed use be lessened.

President Lau remarked that the arguments which had been presented by both opponents and proponents of the project had a great deal of merit. However, given the nature of the proposed project, and in view of the positions which had been taken by Mr. Steele and by the Redevelopment Agency, he felt that the equities on the side of the proponents of the project outweighed those of the opponents of the project. Therefore, he intended to vote for approval of the application.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7555 and to approve the plans for the proposed project subject to the condition which had been recommended by Mr. Steele.

At 4:50 p.m. President Lau announced a five-minute recess. The Commission reconvened at 4:55 p.m. and proceeded with hearing of the remainder of the agenda.

DR76.23 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATIONS NOS. 460004 AND 460007 FOR THE CONVERSION OF A 4-UNIT RESIDENTIAL BUILDING AT 3961-63 - 24TH STREET TO OFFICE AND RETAIL USES.

Ralph Gigliello, Planner II, referred to land use and zoning maps to describe the subject property which has a frontage of 29 feet on 24th Street and a depth of 114 feet for a total area of approximately 3306 square feet. The property is occupied by a building which contains four flats, three of which are vacant. The property is zoned C-2. The applicant proposed to convert the two ground floor units to general commercial space and to remodel the two upper units for residential/home occupation commercial uses. The applicant had indicated that he would be willing to restrict occupancy of the street-level commercial space to prohibit drinking establishments or places of business which would have activities after 9:00 p.m.; and, in addition, he had indicated a willingness to retain the kitchens in the upper units so that those units could be used for home occupations. However, since the applicant had recently been out of town, there was some confusion as to the present status of his plans. Mr. Gigliello stated that there is space beneath the building with access to the rear yard area which conceivably could be brought up to Code standards and used as a dwelling unit; and, if that conversion were accomplished, the project would result in the elimination of only one

dwelling unit. He stated that the discretionary review had been requested by the Noe Valley Neighbors for Action and by the Friends of Noe Valley; and he indicated that 1956 signatures had been obtained on a petition in opposition to the project. In addition, a letter had been received from the East and West of Castro Improvement Club in opposition to the proposal.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the building permit applications be approved subject to the following conditions:

- "1. Upper units shall be retained in residential use.
- "2. The possibility of developing the lower basement area for residential use should be investigated as a way to provide a net loss of only one dwelling unit in the proposed conversion."

Mr. Steele noted that the Residential Zoning Study had recommended that the subject property be reclassified to R-C-1; and he remarked that R-C-1 zoning would restrict commercial uses to ground floor and basement areas. He pointed out that approval of the building permit applications subject to the condition which he had recommended would be consistent with the proposed R-C-1 zoning of the site.

Rick Levy, representing Noe Valley Neighbors for Action, made the following statement:

"Something is happening on 24th Street. That is why we are all here. That a property owner has chosen to evict his tenants and torn their apartments into stores and offices might normally not be of that much concern to us here. But now, it is of very great consequence -- to the people in this room, to the 2,000 people who signed our petition, and to all of the residents of Noe Valley.

"Because what Mr. Coopersmith is trying to do is part of a very serious, and highly detrimental movement on 24th Street. In the interest of greater monetary return, residences are being converted into stores.

"Residences are being converted into stores. It doesn't sound all that threatening to all of us here. But it is. Because when residences are converted into stores and offices, especially in ever

increasing number as on 24th Street, many negative and highly detrimental things happen to the neighborhood.

"We know - we see them everyday.

"Higher rents, more traffic - more shoppers, more noise and air pollution, greatly intensified parking problems, June, 1976, City Traffic Survey - 24th Street. Nine out of 48 neighborhoods in terms of parking demands, eight so called neighborhoods worse than 24th Street were Union Street, Geary Street, Chinatown, North Beach, and Castro Street. Obviously, severe parking problem on our hands. More stress can only make that worse.

"Higher rents, more traffic, more air and noise pollution, more parking problems. Are all very serious threats to the character of Noe Valley. Many of the people who live there have been there for a long time, and have made significant contributions to the area and the city. It would be wrong for them to be forced out by exhorbitant rents, noise, and traffic. It would be wrong for them to have to endure such conditions.

"We are taking our stand here because it has already gone too far. It is time for us, and you, to exercise some control over 24th Street's future.

"How can we exercise that control? In this case, and in the future, we want the number of residential units on 24th Street to remain the same. We are not unreasonable people. We recognize the rights of property owners. And we are not against new stores per se.

"But we do oppose new stores eliminating residential units, as in this case. If stores must replace residential units, then we favor, and advocate, a system of residential compensation - that is, creation of replacement residential units - so that 24th Street can remain a pleasant place to live, and not become just a crowded place-to-shop.

"If you drive down 24th Street, you observe a commercial area. But if you take the time to walk down 24th Street, as hundreds of its residents do

everyday, you can see a different street -- a neighborhood of residences and people, very real people.

"People who are, now more than ever before, jarred by traffic with its noise and smell. People jarred by parking entanglements. People concerned by the threat of constantly increasing rents and, perhaps most important of all, people who are 24th - who give it its energy, who make it more than just stores, whose concern for their neighborhood helps preserve and protect it, something very difficult in these times.

"Ladies and Gentlemen, it is those people who I represent today.

"We care about what happens to each other.

"We care about what happens to 24th Street.

"And we are seeking your help, now and in the future, to preserve and protect our neighborhood."

Commissioner Starbuck asked Mr. Levy to indicate his reaction to the recommendation which had been made by Mr. Steele. Mr. Levy replied that the applicant had been out of town; and his agent had indicated that he had no authority to make any firm offers regarding a compromise. A number of possibilities existed for use of the property; and he stated that the people whom he represented would like to have additional time to explore some of those possibilities with the applicant.

Jeol Coopersmith, the applicant, stated that he had been involved in Noe Valley for the past twelve years and had watched the neighborhood change. He pointed out that the subject property is located directly across the street from the Bell Market, the busiest market in the area; and, while the building immediately adjacent to the subject site is occupied by a residential use at the ground floor level, most of the buildings along the street are developed with commercial uses at the ground floor level. The area has a very commercial appearance; and he did not feel that residential use of the subject property would be appropriate since the building faces the parking lot of the Bell Market. He stated that it had never occurred to him when he was purchasing the property that a proposal for commercial use of the ground floor space in the building would create problems. When he had met with residents of the neighborhood to discuss plans for the project, he had indicated that

his intention was to lease space on the second floor of the building to a voice teacher and an individual who would operate a small shop; and he stated that he had potential tenants in mind. Those tenants would be able to live in the rear portions of the building and to conduct their business activities in the front of the building. He stated that since his tenants would both live and work in the building, they might have no need for automobiles; and that would help to reduce traffic congestion in the area. He advised the Commission that the residential units which had existed were not appealing; and he felt that the ideal solution could be achieved if the Commission would authorize him to have commercial uses on the ground floor of the building, combined residential-commercial uses on the second floor of the building, and a residential unit in the basement.

Commissioner Starbuck asked the applicant if he would be willing to make additional concessions to residents of the neighborhood who were opposing the project. Mr. Coopersmith replied that he had offered the compromise he had just mentioned to six or seven representatives of the neighborhood before he had gone out of town; and he had been advised that they would discuss the proposal with the members of their organizations during his absence.

Commissioner Bierman asked if it would be feasible to install a residential unit in the basement of the building. Mr. Coopersmith replied in the affirmative and indicated that he felt that it would be the most pleasant residential unit in the building. The basement apartment already exists; but work will have to be done to bring it up to Code standards.

Commissioner Bierman then asked if occupancy of one of the units on the second floor of the building by a music teacher would require authorization for commercial use of that space. Mr. Steele replied in the negative, indicating that artist studios and music teachers can be treated as accessory uses in residential space provided that less than one quarter of the floor area is used for the business.

A resident of a building located next door to the subject property remarked that 24th Street on first glance may appear to be commercial; but she advised the Commission that a lot of people live in buildings along the street. She stated that residents of the street suffer a great deal from the congestion in the area.

Commissioner Dearman asked how long the applicant had been waiting for his application to be approved or disapproved. Mr. Coopersmith stated that he had filed the building permit application in May; and he indicated that the delay was becoming very expensive. He hoped that action would be taken on the matter by the Commission as soon as possible.

Commissioner Rosenblatt asked if anything except completely residential occupancy of the building would be acceptable to residents of the neighborhood. Mr. Levy replied that the applicant's original proposal had been completely unacceptable to residents of the neighborhood. While they continued to prefer that the building be used exclusively for residential purposes, they would be willing to consider the compromise recommended by the staff of the Department of City Planning provided that a guarantee could be given that the basement unit would be brought up to Code standards for residential occupancy. Reduction of the number of dwelling units in the building to two units would be unacceptable.

Mr. Coopersmith remarked that he would obviously not choose noisy tenants for the ground floor commercial space if the upper units of the building were to be occupied residentially. He stated that the compromise proposal recommended by the staff of the Department of City Planning would be acceptable to him.

Commissioner Bierman requested that the second condition of the draft resolution be modified to state that the lower basement area "shall" be developed for residential use. She then moved that the draft resolution, as amended, be adopted. The motion was seconded by Commissioner Dearman.

Commissioner Starbuck suggested that the draft resolution should be further amended to provide that no commercial activity of any nature should occur in the units which are to be occupied residentially.

Mr. Steele emphasized that certain commercial activities are allowed as accessory uses in any residential district. While it would be possible to delete those provisions from the City Planning Code, if such action were taken it would theoretically be illegal for a private commercial person to take work home from the office.

Mr. Levy asked if the applicant would be able to rent one of the upper units to a voice teacher if the draft resolution, as amended, were to be adopted by the Commission. Mr. Steele replied in the affirmative, indicating that such an accessory use would be permitted by Section 114 of the City Planning Code.

Mr. Coopersmith observed that he would have been able to rent one of the upper units to a voice teacher prior to filing the subject building permit application.

Mr. Levy, remarking that representatives of the neighborhood had demonstrated a willingness to compromise, stated that he felt that it would be appropriate for the Commission to place restrictions on the occupancy of the units which are to remain in residential use.

After further discussion, the question was called and the Commission voted unanimously to adopt the draft resolution, as modified, as City Planning Resolution No. 7556 and to approve the building permit applications subject to the conditions which had been recommended by the staff of the Department of City Planning, as amended.

DR76.24 - DISCRETIONARY REVIEW OF PRELIMINARY PLANS FOR THE CONSTRUCTION OF A ONE-STORY RETAIL HOME DECORATING CENTER WITH GROUND-LEVEL AND ROOFTOP PARKING FOR 81 AUTOS AT 49 MASONIC AVENUE.

Ralph Gigliello, Planner II, referred to land use and zoning maps to describe the subject property which is an irregular lot with a total area of approximately 55,000 square feet. The property is presently developed as a parking lot but is unused. The major portion of the property is zoned C-2; and a portion of the property is subject to RH-2 zoning standards which were initiated on May 20, 1976. The Standard Brands Paint Company proposed to construct a one-story retail paint store on the site. The building would contain approximately 15,600 square feet of retail space. Customer parking would be provided at ground level, with access originally proposed from both Masonic Avenue and Emerson Street. Rooftop employee parking would be provided with access from Emerson Street. A traffic analysis of the proposal had been undertaken by the Department of Public Works; and, as a result, the applicant's proposal had been modified to provide for customer access and egress solely from Masonic Avenue. Access to the rooftop employee parking would still be obtained from Emerson Street; however, that access would be controlled by a gate. Low landscaping would be installed on the site in order to avoid interference with existing views. The residential portion of the site fronting on Emerson Street could be sub-divided and developed with a row of ten duplexes. Approval of the subject application would require that the RH-2 portion of the site be returned to its former C-2 status. In conclusion, Mr. Gigliello stated that this matter had been brought before the Commission for discretionary review in accordance with a policy established by the Commission in Resolution No. 6470 requiring a discretionary review of any permit application based on a C-2 classification of the subject site.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended the adoption of two draft resolutions which had been prepared for consideration by the Commission. The first draft resolution would amend the proposed zoning maps initiated under City Planning Commission Resolution No. 7499 dated May 20, 1976, by returning all of Lot 1 in Assessor's Block 1071 to its previous

C-2 commercial zoning designation. The second draft resolution would approve the subject building permit application subject to five specific conditions, as follows:

- "1. The height of the building as proposed is not to be modified or altered to exceed that indicated in the plans presently on file.
- "2. Landscaping shall be installed and maintained in open areas and upon the rooftop in accordance with a specific landscape plan to be developed in consultation with and subject to approval by staff of the Department of City Planning.
- "3. Rooftop parking is to be reduced in area to cover not more than the northern one-half of the roof area or space for the independent parking of 12 automobiles, whichever is less.
- "4. Customer vehicular access is to be restricted to one point on the Masonic Avenue frontage, and specifically prohibited from the Emerson Street frontage.
- "5. All lighting of the customer parking area shall be so installed and shielded that no direct ray from any lighting source will fall beyond the property."

The Secretary read the following statement which had been submitted by Richard Lucy, 1 Emerson Street:

"The 11 residents of Emerson Street and Mr. & Mrs. Vernazza of #2 Wood Street, overlooking the site, have authorized me to make the following statement based on the plans shown to me by Ralph Gigliello August 23, 1976.

"We find the project reasonable from our standards, providing there is no view obstruction and no ingress or egress on Emerson Street which is already heavily congested."

Mr. Steele advised the Commission that the original plans which had been submitted called for 81 off-street parking spaces; however, the plans had since been modified to reduce the number of off-street parking spaces to 69.

Commissioner Bierman asked if the staff were satisfied that the driveway onto Masonic Avenue would not prove to be a safety hazard. Mr. Steele replied that it would be somewhat dangerous for people to make left turns onto Masonic Avenue from the subject site; but the Department of Public Works had concluded that the driveway would not interfere with southbound traffic on Masonic Avenue. If motorists making left turns from the parking lot onto Masonic Avenue should prove to create a dangerous situation, the Department of Public Works might install a barrier in the middle of the street; however, the City Planning Commission has no jurisdiction to require that such barriers be installed in public rights-of-way.

Mr. Gigliello stated that the Department of Public Works had felt that the Copper Penny Restaurant on an adjacent lot would interfere with traffic on Masonic Avenue; but the traffic from the restaurant has not had a significant impact on the street.

Commissioner Bierman asked if the proposed store would generate more traffic than the restaurant. Mr. Gigliello replied that the proposed store would probably generate less traffic than the restaurant.

Mr. Wager, representing the Standard Brands Paint Company, advised the Commission that meetings with the staff of the Department of City Planning had resulted in a reduction of the number of off-street spaces for employees being provided on the site; however, while the reduction seemed reasonable for the time being, he indicated that circumstances may change in the future. If it is found that additional parking spaces for employees are needed, he felt that his firm should be in a position to increase the number of employee parking spaces. Under the circumstances, he was disturbed by the language of Condition No. 3 of the draft resolution which would appear to prohibit an increase of employee parking spaces. In regard to Condition No. 4 of the draft resolution prohibiting customer vehicular access from the Emerson Street frontage of the subject property, he remarked that the Beacon Van and Storage Company which is located on an adjacent parcel of property has a driveway onto Emerson Street; and he felt that provision of a driveway from the proposed customer parking lot to Emerson Street would benefit some customers and would improve circulation on the parking lot.

Commissioner Dearman noted that members of the Commission had taken a field trip to the subject property; and when she had seen how narrow Emerson Street is, she had hoped that the staff would recommend that there be no driveway from the customer parking lot onto that street.

Mr. Lucy, who was present in the audience, asked how a limitation on the number of off-street parking spaces for employees of the store would be enforced. Mr. Steele replied that the off-street parking spaces would have to be installed in accordance with the revised plans; and if any changes were to be made in the future, a new building permit application would have to be filed.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7557 be adopted to return the subject property to its previous C-2 zoning. Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7558 be adopted and that the building permit application be approved subject to the conditions which had been recommended by Mr. Steele.

DR76.16 - DISCRETIONARY REVIEW OF PRELIMINARY PLANS FOR A PROPOSED TWO-FAMILY DWELLING ON A LOT WITH AN AREA OF MORE THAN 6000 SQUARE FEET IN A PROPOSED RH-1 (HOUSE, SINGLE-FAMILY) DISTRICT AT 19-21 MIGUEL STREET BETWEEN BEACON AND FAIRMOUNT STREETS. (EE76.242)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 40 feet and an average depth of 166.75 feet for a total area of 6670 square feet. The property is vacant. The lot slopes steeply downward from the street. It has three large trees near the street line and another midway down its depth near the easterly sideline. The applicant proposed to construct a two-family dwelling on the property. The building would be placed down the slope from the street and was designed to present a low profile and to retain all the large trees on the lot. Car-ports would be placed between the trees at the street line. The present R-1 zoning of the property would allow one dwelling unit for each 3000 square feet of lot area. Under the proposed RH-1 zoning of the property, the second dwelling unit would require conditional use authorization from the Commission. Because of that provision of the proposed zoning, the matter had been brought before the Commission for discretionary review. After describing site plans for the proposed project, Mr. Steele recommended that the project be approved subject to the following conditions:

- "1. That the proposal be constructed in substantial compliance with plans dated 7-4-76 by Blair Alexander marked 'Exhibit A, DR76.16.'

- "2. That the proposal is found to meet the criteria required by Section 305(c) of the Planning Code in effect at this date for granting of variances and that a variance is subsequently granted from the rear yard standards of the initiated RH-1 district."

Douglas Osmont, architect for the applicant, stated that the car-ports for the proposed project had been designed with open walls so that pedestrians at street level would still be able to enjoy the existing view; and the low profile of the proposed project would preserve major views from adjacent buildings. He also emphasized that the plans would permit retention of the large trees on the site. He stated that residents of the neighborhood had been concerned that the project would result in the removal of large a stand of Eucalyptus trees on the hillside; but he indicated that those trees are not on the applicant's property. As a result, those trees will continue to screen the subject property from houses on Harry Street. In conclusion, he stated that a petition had been signed by 20 residents of the subject neighborhood who were in support of the proposed project.

Richard Henry, 100 Laidley Street, made the following statement:

"I am here to ask for consideration of the people who live in back of and below The Miguel Street Lot. The area is bordered in this direction by Laidley and Harry Streets, which face The Upper Noe Valley and Mission districts. Looking up Toward The Miguel Street Lot and the adjacent yards from this side, we now enjoy the view of the mass of trees which hides most of the houses. It is a welcome relief in a congested urban area. We would hate to loose it. The loss of this wooded area would affect more than just Laidley and Harry Streets. The trees can be seen from quite a distance below.

"We have been told that the trees which concern us will not be disturbed. But if the structure now proposed is built, we question whether these trees will be obstructing the view and therefore be severely trimmed or cut down after the occupants move in.

"The plans which we have seen show the building placed down in the back of the Lot - practically invisible from Miguel Street. The three storied bulk of the building faces our direction - Laidley and Harry Streets. We feel that this large white wall of three

stories looming over us will destroy the natural quality and unique character of our neighborhood.

"We respectfully ask for your careful consideration of our relationship to the proposed building before granting approval."

Mr. Henry also submitted a petition which had been signed by 14 residents of the neighborhood and which read as follows:

"We the undersigned neighbors of lot 33, assessors block 6665 oppose a variance (file DR76.16) from the present R-1 zoning which proposed construction of a two family residence on that property.

"We feel that developing the lot with more than a single residence would be an unwarranted intrusion in the present neighborhood of single family houses adjoining the lot."

After further discussion it was moved by Commissioner Bierman and seconded by Commissioner Dearman that the project be approved subject to the conditions which had been recommended by the staff. Commissioner Bierman observed that the proposed project was in conformity with the City Planning Code; and she felt that it was important that the applicant had designed the building so that the large trees on the site could be preserved.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7559 and to approve the proposed project subject to the conditions which had been recommended by the staff of the Department of City Planning.

MP76.1 - PUBLIC HEARING ON THE INSTITUTIONAL MASTER PLAN FOR GOLDEN GATE UNIVERSITY, 536-552 MISSION STREET, LOTS 13, 13A, 1-B AND 14 IN ASSESSOR'S BLOCK 3708.

Rai Y. Okamoto, Director of Planning, made the following introductory remarks:

"This is the first Institutional Master Plan to be reviewed by the Commission since the City Planning Code was amended to require institutions of higher learning, hospitals and sanitariums to develop plans describing existing and anticipated future development and to file such plans with the Department of City Planning where they will be available for public review.

"Golden Gate University is in a C-3-0 (Downtown Office) district, therefore the proposed project will not require a conditional use authorization or other action involving a public hearing before this Commission.

"An Institutional Master Plan hearing, and comments made at that hearing by the Commission, the staff and the public, do not constitute endorsement of any development proposals contained in the plan, and do not grant permission for any construction.

"The purpose of this Master Plan hearing is to provide notice and information to the Planning Commission and the general public at an early state, to give an opportunity for meaningful involvement in such plans prior to substantial investment on the part of the institution in a specific plan. It is expected that this early review will allow modifications to be made in response to the comments or concerns expressed at this hearing.

"The public testimony taken at this hearing will become a part of the Institutional Master Plan file at the Department of City Planning and will be available for public review."

John H. Teitscheid, Business Manager and Controller of Golden Gate University, summarized the master plan and responded to questions which were raised by members of the Commission.

The Director suggested that the master plan should be broadened to indicate ways in which Golden Gate University could cooperate with other developers as new projects are proposed in the future to provide pedestrian amenities in the area. He also remarked that the facade of the proposed building had a rather "assertive" nature.

Mr. Teitscheid stated that both of the comments which had been made by the Director would be taken into consideration.

The meeting was adjourned at 6:45 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 16, 1976.

The City Planning Commission met pursuant to notice on Thursday, September 16, 1976, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, and Charles Starbuck, members of the City Planning Commission.

ABSENT: James J. Finn and Thomas J. Mellon, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; Robert Passmore, Planner V (Zoning); Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Moira So, City Planning Coordinator; David Lynch, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the Regular meetings held on August 5 and 19, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, announced that a public hearing on the Department of City Planning's work program and budget for fiscal year 1977-78 will be scheduled on September 30.

The Director reminded the Commission of two evening meetings scheduled for next week, as follows: 1) Tuesday, September 21, 7:30 p.m. in the auditorium of the Grattan School, 176 Grattan Street -- Public Hearing on the Draft Environmental Impact Report and State-ment for the Proposed Rehabilitation Assistance Program (RAP) for the Upper Ashbury District and 2) Thursday, September 23, 7:30 p.m., Room 282, City Hall -- Public Hearing on Three Proposed Ordinances Relating to Signs. The Commission's Regular Meeting on Thursday afternoon, September 23, will be cancelled.

The Director advised the Commission that the San Francisco Executive Park Project will be before the Health and Environment Committee of the Board of Supervisors for consideration on September 28. Subsequently, the project will be reviewed by the Planning, Housing and Development Committee of the Board on October 4 at 1:00 p.m. and will be heard by the full Board on that same day.

The Director distributed copies of the Department of City Planning's Annual Report for the fiscal year 1976-77.

Robert Passmore, Planner V (Zoning), reported that the Pets Unlimited facility on the southwest corner of Washington and Fillmore Streets is again in violation of a condition established by the Commission in 1972 when it granted conditional use authorization for the facility. The Commission had specified that animals housed within the building should not be heard outside of the building. When the new facility was first occupied, it was found that the animal shelter had not been adequately sound-proofed and animals housed in the shelter could be heard in adjacent residences. At that time, Pets Unlimited had solved the problem by moving the animal shelter back to its previous site on Sacramento Street. However, the contractor who had remodeled the building at Washington and Fillmore Streets had claimed the Sacramento Street property in payment for services which he had rendered; and the animal shelter had recently been reopened in the new facility. When the matter was last before the Commission for consideration, the Commission had taken no action to revoke the conditional use authorization; however, it had indicated that it would consider the possibility of revoking the authorization if problems should arise in the future. The staff had been advised by the City Attorney's office that any public hearing held by the Commission to consider revocation of the conditional use authorization for the facility should be advertised in the official advertising newspaper at least 20 days in advance of the hearing. As a result, the earliest date on which the public hearing could be scheduled would be October 14; and Mr. Passmore recommended that the public hearing be held on that date or at a subsequent time. He advised the Commission that Pets Unlimited has a lawsuit pending against the City which involves interpretation of the conditions previously established by the Commission; but the City Attorney's office had advised that a public hearing to consider revocation of the conditional use authorization would not have an adverse effect on the matter in court.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried 4 to 1 that a hearing be scheduled on October 14 to determine if the conditional use authorization for the Pets Unlimited facility should be revoked. Commissioners Bierman, Lau, Rosenblatt and Starbuck voted "Aye," Commissioner Dearmar voted "No." The hearing will be scheduled at 4:30 p.m. on that date.

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The Director reported that the Open Space/Park Renovation Citizens Advisory Committee has scheduled meetings on September 23 and October 7, 19, and 26. All of the meetings will be held at 7:30 p.m. in Room 2B, City Hall.

The Director advised the Commission that the Army Corps of Engineers has required that an Environmental Impact Report be prepared for the breakwater proposed in the North Point Park/Marina project.

The Director advised the Commission that the 1975-76 Civil Grand Jury had made the following recommendations concerning the Department of City Planning:

"We make the following recommendations:

- "1. Because planning should be linked to the way a city spends its money, and the city budget should follow a coherent program, we urge the Mayor and the Board of Supervisors to explore ways of giving the Chief Executive access to Planning and Budget in one department.
- "2. We urge that serious consideration be given to absorbing most of the functions of the Redevelopment Agency into a Department of Planning and Budget.
- "3. Past Grand Juries have recommended that space be found so that the Planning Department personnel can be housed together in one office building, rather than three separate ones; and that the overlapping functions of City Planning and the Bureau of Building Inspection be reviewed and, if possible combined, still maintaining present standards. We reiterate these recommendations and urge that they be given a high priority."

The Director reported that some members of the staff of the Department of City Planning will hold a retreat on the first or second weekend of October to discuss the work program and organization of the Department.

Commissioner Starbuck remarked that a building permit application had accidentally been approved by the Department of City Planning for property on Tank Hill which was scheduled for acquisition for open space purposes. Mr. Passmore stated that actions had been taken to assure that similar mistakes will not be made in the future.

Commissioner Starbuck reported that the Implementation Committee of the Commission had completed its review of proposals which had been submitted since May 20 for use of transferable open space concepts of

the recently initiated residential zoning changes. He indicated that there appeared to be no problem with the proposals. In fact, the new concept had eliminated the need for variances from rear yard requirements in certain cases. Commissioner Starbuck stated that the Committee had also familiarized itself with the three proposed sign ordinances which will be considered by the full Commission next Thursday evening.

Commissioner Starbuck announced that the proposed Tree Ordinance will be before the Planning, Housing & Development Committee of the Board of Supervisors next Tuesday, September 21.

PRESENTATION 1977 HOUSING ASSISTANCE PLAN

Moirra So, City Planning Coordinator, and David Cincotta of the Mayor's Office of Community Development, presented the plan and responded to questions raised by members of the Commission.

EE-EF76.300 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT AND STATEMENT FOR THE 1977 COMMUNITY DEVELOPMENT PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.

Alec Bash, City Planning Coordinator, summarized revisions made in the preliminary proposal for the 1977 Community Development Program and Housing Assistance Plan since they were published in newsprint form in July, 1976. He then reviewed the Environmental Impact Report and Statement which had been prepared for the proposed 1977 Community Development Program and Housing Assistance Plan. Subsequently, he responded to questions raised by members of the Commission.

No one was in the audience to be heard on this matter.

During the course of the discussion, Commissioner Starbuck temporarily absented himself from the meeting room.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that this matter be taken under advisement until the meeting of September 30, 1976.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459558 FOR THE PROPOSED CONSTRUCTION OF A 7-UNIT APARTMENT BUILDING AT 326-12TH AVENUE.

The Secretary advised that consideration of the request for discretionary review would have to be postponed because the staff of

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the Department of City Planning has not completed its environmental evaluation of the proposed project. The Commission voted unanimously to postpone this matter indefinitely.

RS76.15 - PUBLIC HEARING ON TENTATIVE MAP FOR A 5-UNIT
CONDOMINIUM CONVERSION SUBDIVISION AT 3055
PACIFIC AVENUE.

Alec Bash, City Planning Coordinator, stated that the proposal was to convert an existing five-Unit rental apartment building into five condominium units. The building was constructed in approximately 1920 and has three residential levels over a parking level with five stalls. Present monthly rentals are \$650 and proposed sale prices range from \$135,000 to \$145,000 with estimated monthly assessments of approximately \$150. The building has recently been repainted. At monthly rentals of \$650 the units to be reconverted are not considered as part of the City's low- or moderate-income housing stock.

President Lau asked if anyone were present in the audience to speak in opposition to the proposed conversion and received a negative response.

Robert Passmore, Planner V (Zoning), recommended that a draft resolution with the following resolves be adopted:

"THEREFORE BE IT RESOLVED, That the units to be converted are hereby determined to be not part of the low moderate income housing stocks of the City;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision of 3055 Pacific Avenue, as set forth in the tentative map submitted with Referral No. RS76.15 is consistent with the Master Plan; provided, however, that the following conditions are complied with:

- "1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
- "2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385(d) of the Subdivision Code.

- "3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385(e), 1385(f), and 1385(g) of the Subdivision Code."

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7560.

At this point in the proceedings, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table.

RS76.16 - PUBLIC HEARING ON TENTATIVE MAP FOR A SIX-UNIT
CONDOMINIUM CONVERSION SUBDIVISION AT 3101
CLAY STREET.

Alec Bash, City Planning Coordinator, stated that the proposal was to convert an existing six-unit rental apartment building into six condominium units. The building was constructed in 1924 and has three residential levels over a parking level with six stalls. Present monthly rentals range from \$350 to \$450 for the one-bedroom units and from \$435 to \$500 for the two-bedroom units. Corresponding proposed sale prices range from \$70,000 to \$74,000 and from \$95,000 to \$102,000. Mr. Bash stated that the units to be converted are not considered part of the City's low- or moderate-income housing stock.

President Lau asked if anyone were present in the audience who wished to be heard in opposition to the proposed condominium conversion and received a negative response.

Robert Passmore, Planner V (Zoning), recommended the adoption of the draft resolution which contained the following resolves:

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision of 3101 Clay Street, as set forth in the tentative map submitted with Referral No. RS76.16 is consistent with the Master Plan; provided, however, that the following conditions are complied with:

- "1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.

- "2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385(d) of the Subdivision Code.
- "3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385(e), 1385(f), and 1385(g) of the Subdivision Code."

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7561.

DR76.22 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 461825 FOR ALTERATIONS TO AN EXISTING BUILDING TO ACCOMMODATE BELL SAVINGS AND LOAN ASSOCIATION AT 5505 GEARY BOULEVARD, CORNER OF 19TH AVENUE.
(Continued from Meeting of September 2, 1976)

Commissioner Rosenblatt, noting that he had previously received permission from other members of the Commission to abstain from voting on this matter because he is a member of the Board of Directors of a savings and loan association which has a branch office in the subject neighborhood, absented himself from the meeting room for the remainder of the meeting.

Robert Passmore, Planner V (Zoning), noted that the public hearing on this matter had been concluded during the meeting of September 2, 1976; however, the applicant, at the suggestion of President Lau, had elected to request the Commission to postpone action on the matter because only four members of the Commission were present at that time and a tie vote would have resulted in disapproval of the application. While the staff had originally recommended that the application be disapproved, he noted that the neighborhood businesses represented by the Geary Merchants Association had overwhelmingly supported the proposed project; and, in addition, the applicants had agreed to lease their present property at Geary Boulevard and 15th Avenue for use as a retail service establishment other than a financial institution. Therefore, the staff was prepared to recommend that the application be approved subject to a condition specifying that any subsequent proposal for expansion of the proposed facility shall be subject to approval by the Planning Commission under its power of discretionary review.

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After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried 3 to 1 that Resolution No. 7562 be adopted and that the building permit application be approved subject to the condition which had been recommended by Mr. Passmore. Commissioners Bierman, Dearman, and Lau voted "Aye"; Commissioner Starbuck voted "No".

Commissioner Starbuck stated that he had voted against the motion because the guidelines which had been adopted by the Commission for the location for branch offices of financial institutions had been designed specifically to discourage situations in which a single-type use is allowed to concentrate in one area. He stated that he had done some research to determine whether the applicant was aware of the Commission's concern about the location of branch offices for financial institutions before obtaining a lease on the subject property or whether he had been taken by surprise; and it appeared that the applicant had been aware of the Commission's concern.

The meeting was ajourned at 3:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION
SUMMARY AND MINUTES
OF THE
SPECIAL MEETING
TUESDAY
SEPTEMBER 21, 1976
THE GRATTAN SCHOOL AUDITORIUM
165 GRATTAN STREET
7:30 P.M.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman and Charles Starbuck, members of the City Planning Commission.

ABSENT: James J. Finn and Thomas J. Mellon, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning, George A. Williams, Assistant Director - Plans and Programs; Richard Gamble, Planner IV; Alec Bash, City Planning Co-ordinator; Nathaniel Taylor, Planner; and Audrey Owen, Special Staff Assistant III.

Marshall Kilduff represented the San Francisco Chronicle; Larry Kramer represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

1. EE-EF75.241 - Public Hearing on the Draft Environmental Impact Report and Statement for the Proposed Rehabilitation Assistance Program (RAP) for the Upper Ashbury District.

Following a presentation of the Draft Environmental Impact Report and Statement by Nathaniel Taylor, Planner III, the Commission received and responded to comments made by individuals present in the audience, including: Mr. Ty Symroski, Robert Stahl, Anna Darden, David Brigode, M. Bertrand, Patricia O'Callahan, Vivian Azadian, Anna Guth, Myra Barbean, Michael Tuve, Irene Cause, Dr. Jim McGinley, Gloria Vollmayer, Carmen Arbona, and Cavin Welch.

At the conclusion of the hearing, the Commission indicated that further hearing of this matter will take place on Thursday, October 14, 1976, at 3:30 p.m. in Room 282, City Hall.

A court reporter was present and will prepare a transcript which will be available in the files of the Department of City Planning.

Respectfully submitted,

Audrey Owen
Acting Secretary

9/23/76

~~SAN FRANCISCO~~
~~CITY PLANNING COMMISSION~~

~~Minutes of the Special Meeting held Thursday, September 23, 1976.~~

The City Planning Commission met pursuant to notice on Thursday, September 23, 1976, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Peter Swirsky, Planner V (Zoning); Robert Feldman, Planner III; Sidney Shaw, Planner III; Franz Von Uckermann, Planner III (Zoning); and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle and Dan Borsuk represented the San Francisco Progress.

ZT76.4 - PUBLIC HEARING ON A PROPOSED ORDINANCE TO CLARIFY SECTION 609.10 OF THE CITY PLANNING CODE RELATING TO REMOVAL OF GENERAL ADVERTISING SIGNS IN THE MARKET STREET SPECIAL SIGN DISTRICT FROM THE EMBARCADERO TO THE CENTRAL SKYWAY OVERPASS. INITIATED BY BOARD OF SUPERVISORS.

Peter Swirsky, Planner V (Zoning), reported on this matter as follows:

"The Market Street Special Sign District, covering the downtown portion of Market, was enacted in 1970 with strong support from a variety of community sources. A special advisory committee was formed to work with the Department of City Planning and a committee of the City Planning Commission; the advisory committee included the Market Street Development Project, representing property owners, and the Downtown Association, Building Owners and Managers Association, Retail Dry Goods Association, Chamber of Commerce, Central San Francisco Association, National Association of Theatre Owners of Northern California, and San Francisco Planning and Urban Renewal Association.

"The sign district was intended as part of a cooperative venture to bring signs and other projections from buildings into harmony with public improvements being installed in street, sidewalk and plaza areas, and to assist in the private remodeling efforts under way along the street. Standards were established for new signs, and many existing signs were required to be brought into conformity after a stated period of time.

"For business signs, the time limits for conformity were one year in the case of temporary signs and canopies, two years for projections of more than six feet over the sidewalk, and three years for revolving signs. In the original adopted ordinance, the period given for removal of general advertising signs (off-site signs and billboards) was three years, or until May 18, 1973.

"After the sign district went into effect, the outdoor advertising industry had an amendment introduced in the Board of Supervisors to extend the deadline established for its signs, arguing that general advertising signs did not directly interfere with the public street and plaza improvements, and that these signs should not be required to be removed until the character of the area was changed by substantial completion of the public improvements. The industry also noted that its own internal amortization schedules for tax purposes would coincide with a removal period of five rather than three years.

"At the time the proposed amendment was being considered, late 1970, the outdoor advertising firms were removing a number of existing signs under amortization requirements already in effect for Residential zoning districts, the Civic Center area and scenic streets. The industry also indicated it would comply with the deadline for removal of freeway signs in 1975. These actions appeared to make the City Planning Commission and Board of Supervisors more receptive to the idea of extending the deadline for Market Street.

"In the adopted amendment, the amortization period for Market Street was changed from a flat three years to a minimum of five years, with a proviso that the period could be longer if substantial completion of the street and plaza improvements was delayed beyond the five-year period. In the event of such delay, removal would be required at the time of substantial completion of improvements in each of five segments of the street: The Embarcadero to Third Street, Third Street to Powell Street, Powell Street to Seventh Street, Seventh Street to Twelfth Street, and Twelfth Street to the Central Freeway.

"Earlier this year, when the elapsed time was approaching six years, the question arose as to whether substantial completion of improvements had occurred within the meaning of the ordinance. This problem was highlighted when, in March, it was found that eight of the new Market Street trees in the vicinity of Gough Street had been topped by unknown vandals; the topped trees were in front of rooftop billboards on both sides of the street.

"In order to resolve the substantial completion question, an ordinance was introduced in the Board of Supervisors clarifying the existing language. This ordinance would add two paragraphs to Section 609.10(a) of the City Planning Code, stating that the public street and plaza improvements within each of the five segments of Market Street were substantially completed by May 18, 1976, six years after the effective date of the special sign district.

"If this ordinance were passed by the Board of Supervisors, general advertising signs would be required to be removed within 30 days after the Mayor's signature. The total amortization period would therefore be approximately six and one-half years.

"The removal requirement would apply to 41 outdoor advertising structures now in place along the street. In 1970 the number of structures was 60; since then, three have been removed due to amortization provisions of the Civic Center Special Sign District, six for BART construction including U.N. Plaza, five for new buildings, and five for other reasons. There also exist a small number of painted wall signs and product signs connected with businesses that would have to be removed or modified to conform.

"This proposed ordinance has been found to be exempt from environmental review requirements."

Yale Maxon, President of the California Roadside Council, stated that his organization considers the appearance of San Francisco to be a matter of the utmost importance. Visitors to the city could obtain the impression from billboards that San Franciscans are interested only in cigarettes and liquor. He urged the Commission to vote positively on the matter before them in an effort to help clean up the appearance of San Francisco.

No one else was present in the meeting room to speak in support of the proposed ordinance.

Paul M. Hupf, attorney for Foster & Kleiser and Eller, Inc., the two major outdoor advertising firms operating in San Francisco, stated that the firms which he represented place commercial messages on privately owned property and pay substantial rental fees for the sites used; and he remarked that a property right is vested in those leases. When the Market Street Special Sign District was enacted in 1970, the statement of purposes and findings contained in the ordinance related removal of billboards to the public beautification project which was proposed for the street; and, in fact, the amortization period established for removal of the billboards was related to the schedule for reconstruction of Market Street. Under the circumstances, his clients have taken the position that reconstruction of the street should be completed before the billboards are removed. Although the loss of a considerable number of billboards along Market Street would significantly affect the business of his clients, they had decided that they would not oppose the 1970 ordinance provided that the purposes and findings stated in that ordinance were fulfilled and provided that the reconstruction of Market Street was substantially completed before the billboards were to be removed. A series of discussions had been held concerning the amortization of the billboards. Finally, on the suggestion of Bernard Averbuch of the Market Street Development Project, the subject portion of Market Street had been separated into five different segments with differing amortization periods, all of which were tied to the proviso that the billboards would not be removed until public construction had been substantially completed in each of the segments; and a reference was made to architectural plans on file in the Department of City Planning as a means of determining when substantial completion of each of the segments has been accomplished.

He emphasized that those plans called for the removal of streetcar tracks on Market Street; and the ordinance, in referring to the requirement for substantial completion of the public improvements, had specifically referred to permanent pavement of sidewalk and roadway areas. The Director of Planning in 1970 had recognized that billboards represent a substantial investment and that they should not be required to come down until the public improvements, which were the basic reason for the ordinance, were completed. His clients had adopted substantially the same position and were of the opinion that public improvements must be substantially completed before the billboards are to be removed if they are not to be compensated for the value of the billboards. In that regard, he stated that he was of the opinion that the public improvements will not be substantially completed until such time as the sidewalk and roadway areas have been permanently paved.

Commissioner Starbuck asked the staff to comment on Mr. Hupf's contention that the public improvements on Market Street will not be substantially complete until the paving has been completed. Mr. Svirsky replied that the term "substantial completion" must mean something different from "entire" completion of the project. Although the streetcars have not been removed, he questioned whether that fact really has much bearing on the substantial completion of the beautification project. The Board of Supervisors had initiated this proposed ordinance to declare that the public improvements had been substantially completed; and he felt that it was within the power of the Board to adopt the ordinance.

Mr. Hupf remarked that it is not possible to legislate facts; and he stated that either the public improvements are substantially complete in accordance with the discussions held and the ordinance adopted in 1970 or they are not.

Mr. Svirsky noted that Mr. Hupf and officers of the firms which he represented had addressed a letter to the City Planning Commission on December 9, 1970, which stated, in effect, that a five-year amortization period for the billboards along Market Street would be reasonable; and he pointed out that more than five years have already elapsed since enactment of the ordinance.

Mr. Hupf stated that he and his clients had taken the position that a five-year amortization period would be the minimum amount of time required to amortize the billboards. He indicated that he and his clients had supported many features of the 1970 ordinance. However, he believed the proposed ordinance presently under consideration would substantially change the nature of the ordinance which had previously been adopted.

Commissioner Starbuck asked Mr. Hupf if he intended to cite factors other than failure to remove the streetcars tracks and to install permanent paving in support of his argument that the public improvements have not been substantially completed. After Mr. Hupf had replied in the negative, Commissioner Starbuck asked if he believed that his clients would be under no obligation to remove their billboards until such time as the streetcar tracks are removed regardless of the amount of time involved. Mr. Hupf replied in the affirmative.

Commissioner Starbuck then remarked that Mr. Hupf had indicated that an issue of concern to his clients in 1970 was to achieve an equitable amortization period for removal of the billboards; and, regardless of the status of the beautification project, he felt that it would be important for the Commission to determine if a reasonable amortization period has already elapsed.

Commissioner Finn, noting that Jack Barron, Director of the Transit Task Force, was in the audience, asked Mr. Barron if he could advise the Commission of the general status of the Market Street project including the beautification program and work being done for the Municipal Railway.

Mr. Barron replied that the installation of the underground system is essentially complete; and he indicated that EART's only remaining obligation is to remove the streetcar tracks from Market Street and to reconstruct the street. The City's responsibility has been the beautification project and some street work. The percentage of completion of City work, in terms of dollars, in the five segments along Market Street is as follows: from The Embarcadero to Third Street, 51% complete; Third Street to Powell Street, 60% complete; Powell Street to Seventh Street, 90% complete; Seventh Street to Twelfth Street, 98% complete; and Twelfth Street to Central Freeway, 92% complete.

Commissioner Starbuck asked Mr. Barron if he could estimate how long it would be before the streetcar tracks are removed on Market Street. Mr. Barron replied that the tracks will be removed approximately one year after the Municipal Railway has commenced underground operation. Commissioner Finn stated that it is currently estimated that the Municipal Railway will begin underground operation in the middle of 1978; and, if that schedule is realized, the streetcar tracks could be removed in mid-1979.

Commissioner Rosenblatt asked if the completion percentage figures which had been cited by Mr. Barron had taken the streetcar track removal and the road reconstruction into account. Mr. Barron replied in the negative, indicating that the City is not responsible for that work.

Commissioner Rosenblatt asked when City work on segment one from The Embarcadero to Third Street will be completed. Mr. Barron replied that City work in that segment will be completed by the end of 1977; and he noted that most of that area does not have streetcar tracks. Most of the remaining work to be done in that segment involves installation of brick crosswalks and some sidewalk work.

Commissioner Starbuck asked if he was correct in assuming that work in that area had been delayed because of the construction of new high-rise buildings. Mr. Barron replied in the affirmative.

Commissioner Starbuck then noted that the segment between Third Street and Powell Street is only 60% complete; and he inquired about the nature of the work remaining to be done. Mr. Barron stated that most of the work consists of installation of granite curbs, gutters and crosswalks.

Mr. Svirsky remarked that the status of completion in segments one and two was not of major concern relative to the issue before the Commission since segment two has no billboards and segment one has only two billboard structures, one of which has no copy on it. He stated that notes which he had made in 1970 indicated that Foster & Kleiser had indicated that it would voluntarily and immediately remove the billboard which now has no copy.

Mr. Hupf stated that Foster & Kleiser had removed the portions of that billboard which it owned. The remaining parts of the structure belong to the owners of the building on which it is located.

Rai Y. Okamoto, Director of Planning, recommended that the proposed ordinance be approved.

President Lau asked if anyone in the audience wished to speak in rebuttal to the Director's recommendation and received a negative response.

It was moved by Commissioner Starbuck and seconded by Commissioner Dearman that the proposed ordinance be approved.

Commissioner Starbuck stated that Mr. Hupf had made it clear that the City had made poor estimates of the time which would be needed to complete public improvements on the various segments of Market Street when the matter was under consideration in 1970. Nevertheless, he was satisfied that the City and County of San Francisco had not been responsible for the delays in the project; and it seemed to him that the judgment could be made that the public improvements along the street had been substantially completed in accordance with provisions of the original ordinance.

Commissioner Finn observed that reasonable men can differ on a definition of a term such as "substantial". He noted that the public improvements on an overall basis are less than 90% complete; and he felt it was significant that the streetcar tracks had not yet been removed. While he would not be opposed to removal of the billboards when the public improvements are substantially complete, he agreed with Mr. Hupf that that point has not yet been reached.

When the question was called, the Commission voted 4 to 2 to adopt Resolution No. 7563 and to approve the proposed ordinance. Commissioners Bierman, Lau, Rosenblatt and Starbuck voted "Aye"; Commissioners Dearman and Finn voted "No".

ZT76.5 and - PUBLIC HEARING ON PROPOSED TEXT AMENDMENTS TO ARTICLE 6
ZT76.17 OF THE CITY PLANNING CODE AND RECLASSIFICATION TO ESTABLISH
THE UPPER MARKET SPECIAL SIGN DISTRICT IN THE AREA ZONED
C-2 IN THE VICINITY OF MARKET STREET FROM THE CENTRAL SKY-
WAY OVERPASS TO DIAMOND STREET, INCLUDING PROPERTIES FRONT-
ING ON A NUMBER OF STREETS CLOSE TO MARKET STREET, AND TO
ELIMINATE THE EXISTING SPECIAL DISTRICT FOR SIGN ILLUMINA-
TION ALONG MARKET STREET FROM VALENCIA STREET TO CASTRO
STREET. REQUESTED BY MAYOR'S ADVISORY COMMITTEE ON UPPER
MARKET STREET AND INITIATED BY CITY PLANNING COMMISSION.

Peter Svirsky, Planner V (Zoning), reported on this matter as follows:

"Reasons for this Proposal"

"Community interest in special standards for signs in the Upper Market area has been stimulated by construction of the Muni Metro subway and related public and private improvements.

"The new paving, furnishings and landscaping in the public street and sidewalk areas are being accompanied by private investments on and near Upper Market Street. All these improvements rely upon the fact that the area will increase in importance as a transit and shopping corridor and as a province for pedestrians. As changes occur, many people have indicated their feeling that minimum standards should be set to assist owners and business tenants in cooperatively achieving good quality of design.

"Signs are an important factor determining the appearance and economic character of a commercial area. Good opportunities now exist in the Upper Market area to coordinate signs under a common framework of standards, creating a better human environment and relating signs more closely to the design of buildings on which they are placed. New standards for signs will also permit the bordering residential areas to be more livable.

"In 1970, a special sign district was enacted for downtown Market Street, from the Ferry Building to the Central Freeway overpass. That district has been successful in making signs -- especially those projecting over the sidewalk -- more compatible with other design features. Following that example, the Mayor's Advisory Committee on Upper Market Street, representing merchant and neighborhood organizations, has requested that a similar district be enacted for the commercial area from the Central Freeway overpass to the vicinity of Castro Street.

"Area Covered"

"The area proposed to be covered is shown on the map at the end of this description. It includes Market Street and the other street frontages close to Market that are in the C-2 (Community Business) zoning district. This continuous commercial zoning comprises what is generally known as the Upper Market business area, and contains a total of approximately 350 business establishments.

"General Nature of the Sign District"

"A special sign district is placed on the zoning map and sets standards suited to a particular part of the city, considering the area's scale, location and business character. The sign district does not change the underlying zoning category -- C-2, in the case of Upper Market Street. Within the sign district, citywide sign controls continue to apply, except to the extent that they are modified by the standards written for the special district.

"The draft ordinance prepared for Upper Market is intended to establish a limited number of relatively simple controls covering the most important aspects of signs in the area. The standards acknowledge existing practices in use of signs, and the fact that many well designed signs already are to be found in the area, but recognize that there is considerable room for improvement. Uniform, predictable standards are emphasized, rather than government discretion.

"The ordinance would set outer limits for location and dimensions of signs in terms of projection and height. Certain types of signs that detract from the business area and are offensive to nearby residents are not allowed. Existing signs that present the most serious problems would have to be removed after a stated period of time. The intent is that each business be able to identify itself well without undue interference from other signs.

"PROJECTION OVER SIDEWALKS

"The normal projection limit for signs in a C-2 district -- 12 feet or three-quarters of the sidewalk width -- is too permissive for a business area of moderate scale. Instead, a limit of six feet is proposed for this special district. The six-foot standard already applies along downtown Market Street, and recognizes that larger signs would interfere with sidewalk trees and with the visibility of neighboring signs. Of the existing projecting signs in the Upper Market area, approximately two-thirds comply with the six-foot standard, and many of these project much less than that outer limit.

"As a second type of projection limitation, each establishment would be limited to one projecting sign for each street frontage it occupies, in addition to any signs integrated in the design of marquees and awnings. Projecting features other than signs, such as marquees and awnings, would also have to be kept within the six-foot dimension.

"Control of sign height is needed to maintain scale and some degree of organization in the location of signs, to relate signs to the activities they identify, to suit sign placement to architectural features, and to avoid intrusion upon residential neighborhoods.

"New signs on rooftops have been prohibited throughout the city since 1965, although removal of existing rooftop signs has not been required. Also, in many situations signs on walls are not allowed to extend above the roof line.

"Four rules would be added for the Upper Market Special Sign District:

"1. Projecting signs with vertical lettering would in all cases be limited in height to the roof line of the building, and to a maximum of 50 feet above the street. The existing height limits for buildings in most of the affected area are 40, 50, 65 and 80 feet.

"2. All other signs on buildings, both projecting and flat, would be generally confined to the ground floor and mezzanine levels, keeping them close to the activities they identify and avoiding partial obscuring of windows on upper stories. Upper floor establishments would have to be identified at ground level entrances. Building walls without windows above the mezzanine could have signs at higher levels, up to a maximum of 50 feet.

"3. Where a series of shops occupy spaces along the frontage of a single building, the top and bottom edges of flat signs would have to be kept uniform, avoiding the ragged appearance that results from indiscriminate placement of separate signs. It would be up to the building owner and tenants to establish where the uniform upper and lower lines would be.

"Certain flexibility for height rules (2) and (3) is allowed by the ordinance. Where the location of arches, entrances and other architectural features makes deviation necessary, the Zoning Administrator may allow alternative placement of signs. Special lighting effects and temporary holiday decorations are exempted. Also, the rules do not apply to window displays, since features inside a window and not affixed to the glass are not regulated as signs.

"4. Free standing signs, held up by poles rather than attached to a building, would be limited in height to 24 feet. The citywide C-2 limit of 36 feet -- equivalent to three stories or more -- is too permissive for the scale of the Upper Market area. A 24-foot high sign may easily be viewed over parked cars or a one-story building.

"TYPES OF SIGNS NOT ALLOWED

"The following types of signs are considered antagonistic to the character of the Upper Market area and would not be allowed. Each of these types is already prohibited in certain other areas or in the city as a whole.

"1. General advertising. Signs for off-site advertising of products and services -- known as general advertising signs -- would be prohibited, as they are in other special sign districts. Most of the 37 such signs now in Upper Market are billboards, and these have often been referred to as a blighting influence upon the whole area. The prohibition on general advertising signs would extend 200 feet beyond the boundaries of the sign district, if the sign face would be visible from within the district, in order to preclude later rezoning from residential to commercial to permit a billboard just outside the district.

"The general advertising definition does not include a portion of a business identification sign, up to 25 square feet and one-third the area of the sign, that is devoted to advertising commodities sold on the premises by brand name or symbol. In addition, displays inside show windows are not affected.

"2. Flashing signs. Citywide, signs with flashing lights are now prohibited in all C-1 and C-2 areas with the exception of certain listed streets. The draft ordinance would eliminate the exception now applying to Upper Market Street, so that flashing signs would be precluded from the special sign district. It is generally felt that flashing signs are an unnecessary and annoying distraction in an area such as Upper Market.

"3. Signs with moving parts. Signs with revolving or other moving parts have been prohibited throughout the city since 1965, although existing signs of this type have been allowed to continue. A prohibition of new moving signs already applies, therefore, in the Upper Market area.

"4. Wind signs. Strings of flags or banners, known as wind signs, have also been prohibited citywide since 1965. All such signs already in place were required to be removed by 1966, after a one-year amortization period.

"SIGNS AT SERVICE STATIONS

"Special sign controls now apply to automobile service stations in any commercial area. These controls generally limit the size of oil company signs to 80 square feet and all other signs to a total of 180 square feet, and limit projection to five feet over the sidewalk. The proposed special sign district would make one significant change for service stations, by lowering the normal C-2 36-foot height limit for free standing signs to 24 feet.

"Amortization of Existing Signs

"Sign ordinances cannot be really effective unless a specific time period is given for compliance with the most important standards. Failure of existing signs to conform to certain of the proposed standards is considered the most serious sign control problem in the Upper Market area. For each type of nonconformity listed below, a stated time period would be given for amortization of existing signs, following passage of the ordinance.

<u>Type of sign</u>	<u>Amortization period</u>	<u>Number of existing signs affected</u>	<u>Number of establishments affected</u>
"1. Rooftop signs*	5 years	5	5
"2. Free standing signs exceeding 24-foot height limit*	5 years	6	5
"3. General advertising signs	5 years	37	27 properties
"4. Flashing signs	3 years	11	11
"5. Signs with moving parts	3 years	1	1

*other than general advertising signs

Mr. Svirsky stated that the Commission had received one letter in opposition to the proposed ordinance from the attorney for the owner of an apartment house at 15 Hermann Street which has a large general advertising sign on its roof. The attorney argued that removal of the sign would reduce the value of the property. Several letters had been received from neighborhood associations in support of the proposed ordinance.

- Jude Laspa, Chairman of the Mayor's Advisory Committee on Upper Market Street, remarked that many changes have taken place in the character of Upper Market Street during the past seven years; and he indicated that more dramatic changes will occur during the next two years as two underground stations for the Municipal Railway are completed and as additional beautification takes place at street level. Such efforts are creating a very positive environment for future development of both a commercial and a residential character. Ten years ago, it appeared as if the Upper Market Street area might become a freeway conduit to other areas of the city or a high-rise, high-intensity commercial district; but those trends had been avoided. In the request that a special sign district be created for Upper Market Street, the Lower Market Street ordinance had been used as a guideline. The objectives of the proposed ordinance would be to reenforce the neighborhood character of the area and to detract from automobile orientation. In an effort to avoid penalizing small merchants operating in the area, it was recommended that they not be required to remove the existing projecting signs which would exceed the standards outlined in the proposed ordinance. In that respect, the ordinance would be different from the Lower Market Street sign ordinance. That approach had been recommended after surveys had been conducted by the Department of City Planning which had indicated that a considerable number of projecting signs in the area would exceed the proposed standard; and his organization felt that a requirement for removal of such signs would place a severe burden on the merchants.

in the neighborhood. With regard to the issue to rooftop business signs, Mr. Laspa remarked that only four signs of that type exist in the area; and he indicated that one of those signs may be illegal. Two of the other rooftop signs are integral parts of the structures on which they are located. Flashing signs are considered to be undesirable and some of the existing flashing signs in the area may be illegal; but he indicated that his organization would accept the judgment of the staff of the Department of City Planning as to whether the proposed ordinance should require removal of existing flashing signs. He stated that the members of his organization were more concerned about the types of business signs which will be permitted in the area in the future than about signs which are already in place; and he felt that adoption of the proposed ordinance would be in the best interest of all parties concerned. He advised the Commission that branches had been removed from new sycamore trees on both sides of Market Street in the vicinity of Gough Street earlier in the year; and, since the damaged trees were located directly under billboards owned by Foster & Kleisher, he felt the implication was that that firm had removed the branches to improve the visibility of their signs. He had been advised that that is the general practice of that firm.

Commissioner Starbuck asked if merchants in the area are adequately represented on the Mayor's Advisory Committee on Upper Market Street. Mr. Laspa replied that three merchant groups are represented on the Committee and indicated that only one of the groups is extremely active. He stated that the Committee holds open meetings and that it publishes agendas and minutes.

Lori M. Nelson, 523 Castro Street, remarked that it is a real "bummer" to look at neon signs. She remarked that advertising has a place in society and should be an acceptable mode of communication; but it is not.

Peter Straus, 79 Beaver Street, represented the Duboce Triangle Neighborhood Association. He noted that the Commission had received a letter from the owner of an apartment building on Hermann Street objecting to the proposed ordinance; and he remarked that the sign on that apartment building is a good example of why his organization was in support of the proposed ordinance. He emphasized that homeowners in the Upper Market Street area have made a sizable investment in their property during the past few years, having been involved in a Federally Assisted Code Enforcement (FACE) program and a Protected Residential Area program; and additional funds for neighborhood improvement have recently been made available through the Neighborhood Initiated Improvement Program. Yet, everything residents of the area have tried to achieve on Market Street has been negated by large signs advertising Reno and Las Vegas. He stated that supporters of the proposed ordinance had tried to effect a compromise solution which would not infringe on the right of local merchants to advertise their businesses; and he hoped that the proposed ordinance would be adopted.

Dr. Yale Maxon, President of the California Roadside Council, expressed his hope that the Commission would approve the proposed ordinance.

Dorice Murphy, representing the Eureka Valley Promotion Association, stated that the subject neighborhood has the largest number of unemployed artists in the world. She indicated the members of her organization hoped to see Market Street developed as an avenue of shops and stores clearly defined by attractive signs. Instead, the area has been marred by some of the most garish and honky-tonk signs imaginable. Besides being unattractive, such signs tend to confuse drivers. She felt that the most obscene sign of all is one on Castro Street which depicts a huge doughnut without a hole.

Sue Hestor, a representative of the Planning, Housing and Zoning Committee of San Francisco Tomorrow, expressed her strong support for the proposed ordinance and for similar ordinances for neighborhoods of the city. She remarked that signs and large billboards are an alien presence in an area such as the subject neighborhood; and residents of the neighborhood do not need them. The Bank of America at Market and Castro Streets until recently had a sign which had dominated the neighborhood; and, although the size of that sign had been reduced, she felt that a further reduction would be desirable. One of Foster & Kleiser's billboards in the area can probably be seen for many miles; and she indicated that she had become tired of seeing Supervisor Molinari's face on one of the billboards during a recent election. She stated that signs should not be offensive; and if they are to be lighted, the lights should not flash. Residents of the subject neighborhood had sought to keep Market Street from becoming a traffic corridor; and she noted that traffic corridors can be identified by the presence of billboards. She advised the Commission that the subject portion of Market Street has more residential units than commercial units. She felt that the large sign on the Safeway site should be removed; and she hoped that the proposed ordinance would be approved.

Bert Schwarzschild, a former President of the Eureka Valley Promotion Association, stated that he had conducted a survey of the subject portion of Market Street and had found that 75% of the units on the street are residential and that only 25% of the units are used commercially. While ground floor space along the street is generally developed commercially, the upper floors of the buildings are predominantly in residential use. The area has several hotels for retired and low-income people. As a result, Market Street has a residential-pedestrian character. He remarked that representatives of the billboard industry probably live in residential areas; and he felt that they would be perturbed to have major signs glaring down on them all of the time in their own neighborhoods. While removal of billboards might result in loss of jobs held by individuals employed in the industry, he felt that those individuals would be able to find alternate employment in such fields as mural painting.

Paul M. Hupf, attorney for Foster & Kleiser and Eller, Inc., noted that the Commission was also scheduled to consider a proposed ordinance which prohibit and require the removal of general advertising signs throughout the City, and stated that the presentation which his clients would make relative to that item would also be pertinent to the matter presently under consideration. He stated that the subject neighborhood is not defined as a residential neighborhood by its current zoning; and, if the zoning is wrong, he felt that it should be corrected. In that

regard, he advised the Commission that representatives of the billboard industry during the last 10 or 15 years, had taken the position that billboards have as much right to be located in commercial and industrial zones as any other lawful businesses; and he believed that the creation of special sign districts has an "emasculating" effect which eventually leads to the prohibition of billboards. For reasons which he regarded as obvious, representatives of the billboard industry were opposed to any legislation which would eventually lead to the prohibition of billboards. He observed that opinions as to what constitutes beauty or ugliness are highly subjective in nature; and he suggested that such opinions should not used as a basis for legislation. If the area has increased in value in recent years as Mr. Laspa had testified, he felt that it would be difficult to argue that billboards have had a blighting effect on the neighborhood. He stated that his clients were opposed to a total ban on billboards in San Francisco; and they regarded legislation imposing bans on billboards on a piecemeal basis to be equally objectionable.

Carl Heymann, Jr., representing the Sign Users Council of California and the California Electric Sign Association, asked for clarification of the language in the proposed ordinance which specified that the standards to be established by the ordinance were not intended "in any way to preclude further design refinement or review by individuals or duly constituted organizations which might consider more restrictive requirements as to any aspects limited herein, or as to additional aspects such as materials, color, graphics, types of representation, relationship of signs to one another and to architectural features, or the general quality of design".

Mr. Svirskey replied that the language which had been cited by Mr. Heymann was identical to language included in the Lower Market Street Sign Ordinance. The purpose of the language was to make it clear that the City did not wish to reduce the ability of private individuals to effect voluntary compliance with more restrictive standards. He stated that it was his understanding that the sign industry also has established standards of its own; and the City would not wish to preclude the sign industry from using its own standards. In response to a further question raised by Mr. Heymann, Mr. Svirskey stated that the language would in no way imply that a design review board might be established to review proposed signs since such a board would not represent a private effort.

Mr. Heymann noted that the proposed ordinance would establish a maximum height of 24 feet for free standing signs. He remarked that such a height limit would be adequate in areas with a 25-mile-an-hour speed limit where development is characterized by one- and two-story buildings without significant set-back; however, such a height limit would not be adequate under other circumstances. He stated that he was not familiar with the character of development on Upper Market Street; and he asked if the area has developments where the 24-foot height limit for free standing signs would be "inadequate" according to his definition of the term.

Mr. Svirsky stated that it seemed as though Mr. Heymann was referring to shopping center-type development; and he indicated that the only development of that general type along Market Street is the Safeway store which presently has a sign of considerable height that is of concern to residents of the neighborhood. He advised Mr. Heymann that the staff of the Department of City Planning had mailed notices of this public hearing and a description of the proposed standards to all owners of property on and near Market Street and had distributed notices to all businesses located in the area; and he assumed that any merchants who envisioned difficulties because of the proposed ordinance would be present to address the Commission.

Mr. Heymann stated that he felt that a 24-foot height limit for free standing signs would be reasonable under most circumstances; however, he would think of certain circumstances under which such a height limit would be inadequate.

Commissioner Starbuck suggested that it would be helpful if Mr. Heymann would visit the subject neighborhood to determine if there are any areas in which a 24-foot height limit for free standing signs would be "inadequate".

Harold Shain, 254 Edgewood Avenue, stated that he owns an apartment building in the subject area which has signs. The modest check he receives each month for those signs does not affect his lifestyle; but he believed that tenants of apartment buildings such as his would be affected if the proposed ordinance were to be adopted. He advised the Commission that billboards generate tax revenue and help property owners to pay their own taxes; and he indicated that owners of apartment buildings raise their rents whenever taxes go up. As a result, renters are being driven to the suburbs. He did not believe that the type of ordinance which might have been appropriate for Lower Market Street would be appropriate for Upper Market Street; and he asked the Commission to consider the effect that adoption of the proposed ordinance would have on the income of the City and on rental rates.

Kamini Gupta stated that the Council of District Merchants Associations had not received a notice of the Commission's hearing or copies of the proposed ordinance; and, as a result, he hoped that the Commission would defer action on the proposal.

President Lau stated that the Commission intended to defer action on the proposed ordinance in any case.

Mr. Gupta stated that he had fought bitterly against the sign ordinance adopted by the City in 1965 on the basis that regulation of commercial communication was unconstitutional. At that time the constitutional issue was somewhat "fuzzy"; but he felt that the issue had been clarified during the interim. He believed that it was now clear that regulation of commercial communication is unconstitutional; and he felt that it would be improper for the Commission to enact further sign legislation. He remarked that most small merchants cannot afford to advertise on television, in the newspapers, or on large billboards; and, as a result, they must rely on their own business signs for advertising. He remarked

that many shopping malls throughout the country are going bankrupt; and he believed that the absence of signs was responsible for those financial problems. He felt that planners tend to overlook economic considerations; and he suggested that the economic impact of the proposed ordinance should be explored. In conclusion, he stated that he was of the opinion that sign control should be voluntary in nature based on negotiations among businessmen in a particular neighborhood; and he suggested that the ordinance which had been drafted by the staff of the Department of City Planning should be thrown in the garbage can.

Commissioner Finn asked Mr. Gupta to provide the staff of the Department of City Planning with any recent court decisions which might be relevant to the matter under consideration. Mr. Gupta replied that the staff should be familiar with decisions which he had in mind and he mentioned the Bigelow case as one which would be pertinent.

Rai Y. Okamoto, Director of Planning, stated that the records of the Department indicated that a notice of the Commission's hearing had been mailed to Mr. Alessandro Baccari, at the office of the Council of District Merchants Associations.

Mr. Gupta replied that he did not consider a two-line notice to be an adequate notice of the effect of the proposed ordinance. After the Director had asked Mr. Gupta if he was speaking for the Council of District Merchants Associations, Mr. Gupta stated that he could not represent the Council because he was not familiar with the proposed ordinance; however, he indicated that he had represented the Council previously.

Commissioner Rosenblatt asked Mr. Laspa to what extent merchants in the subject neighborhood had been involved in recommending any action on the proposed sign ordinance. Mr. Laspa replied that the matter had been before the Mayor's Advisory Committee on Upper Market Street since September or October of last year; and he indicated that the Committee had voted to request the staff of the Department of City Planning to draft the proposed ordinance in April of this year.

Commissioner Rosenblatt, noting that merchants groups from the subject neighborhood were active on the Mayor's Advisory Committee on Upper Market Street, remarked that it would be logical to assume that those organizations had made their members aware of the recommendation for creation of a special sign district; and he requested that both Mr. Laspa and Mr. Gupta discuss the matter with the merchants involved to determine if there has been a meeting of minds among the people who will be directly affected by the proposed ordinance.

Mr. Gupta stated that he had not seen representatives of any merchants groups present in the meeting room with the exception of the Eureka Valley Merchants Association; but he stated that that organization was opposed to the proposed ordinance.

Mr. Laspa stated that he had not been aware that the Eureka Valley Merchants Association was opposed to the proposed ordinance.

Commissioner Bierman asked if a representative of the Eureka Valley Merchants Association was present in the meeting room and received a negative response.

President Lau stated that it has been the practice of the Commission to take matters under advisement when members of the public claim to be unfamiliar with the matters being discussed.

Mr. Laspa stated that he was not opposed to a continuance; and he felt that Mr. Gupta would find that the Mayor's Advisory Committee on Upper Market Street has a good relationship with merchants in the area.

The Director recommended that the matter be taken under advisement until the meeting of September 30 at 4:00 p.m.

Mr. Laspa stated that it might be difficult for merchants from the area to attend an afternoon meeting. President Lau suggested that they might wish to send a representative to the meeting or to write to members of the Commission on an individual basis.

Commissioner Bierman noted that all of the merchants in the area had received notice of the Commission's hearing; and she felt that they would have been present in the audience if they had been concerned about the proposed ordinance. She moved that the matter be taken under advisement until the meeting of September 30 at 4:00 p.m. The motion was seconded by Commissioner Starbuck. When the question was called, the Commission voted unanimously to take this matter under advisement until the meeting of September 30, 1976, at 4:00 p.m.

At 9:55 p.m., President Lau announced a 10-minute recess. The Commission reconvened at 10:05 p.m. and proceeded with hearing of the remainder of the agenda.

ZT76.6 - PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLES 2 AND 6 OF THE CITY PLANNING CODE TO PROHIBIT GENERAL ADVERTISING SIGNS (OFF-SITE SIGNS AND BILLBOARDS) THROUGHOUT THE CITY AND COUNTY OF SAN FRANCISCO, TO REQUIRE REMOVAL OF ALL EXISTING GENERAL ADVERTISING SIGNS AFTER AN AMORTIZATION PERIOD, AND TO MAKE RELATED MODIFICATIONS. INITIATED BY BOARD OF SUPERVISORS.

Peter Svirsky, Planner V (Zoning, reported on this matter as follows:

"An ordinance has been introduced at the Board of Supervisors, and referred to the City Planning Commission, which would eliminate general advertising signs (off-site signs and billboards) throughout San Francisco. Following an extensive statement of purposes and findings, this ordinance would prohibit erection of new general advertising signs, require removal of existing signs after a ten-year amortization period, and provide for a civil penalty of \$100 per day for each sign not removed by the termination date. In any case in which an amortization period of less than ten years applied to a special sign district, the more restrictive period would still prevail.

"Control of general advertising signs has had a considerable history in San Francisco. The first prohibitions applied to freeway signs and were contained in the Building Code. When the City Planning Code was comprehensively revised in 1960, the whole question of sign control was deferred for later action. There followed a four-year period, from 1961 to 1965, during which hearings were held on succeeding drafts of a sign control ordinance. In 1965 the final ordinance was adopted as Article 6 of the City Planning Code.

"Under Article 6, general advertising signs are prohibited in various special districts, including areas at the Civic Center, around Candlestick Park, along freeways, scenic streets and rapid transit routes, and near Residential zoning districts and schools and parks. Other special districts were later added for downtown Market Street and Jackson Square. General advertising signs are also prohibited in C-1 (Neighborhood Shopping), Residential and P (Public Use) districts, but permitted in R-C (Residential-Commercial), C-2, C-3 and C-M (Commercial) and M-1 and M-2 (Industrial) districts. Where general advertising signs are permitted they are subject to the same restrictions as other signs, so that they must comply with various height limits and are not permitted on rooftops.

"Removal requirements apply in certain instances. In 1970, as a result of such amortization provisions, 148 billboards were removed in Residential districts (including 26 without legal status), 17 in the Civic Center (ten of which had been due for removal since 1966; two others in this category are still to be taken down), and eight along scenic streets. Along parts of the freeway system, 47 billboards were to be removed in 1975 after a ten-year amortization period, but the removal of those signs is now in litigation. Along downtown Market Street, 41 billboards must be removed when the public street and plaza improvements are found to have been substantially completed.

"There are no current surveys to indicate how many general advertising signs exist in San Francisco. Department of City Planning estimates put the total at 1200 to 1500. Each year, some signs are lost by the industry due to natural attrition, and these losses are balanced by construction of 20 to 50 new signs per year. One-quarter to one-third of the new signs are of the large painted bulletin type (12 by 40 feet or larger); the others are the smaller poster panels (12 by 25 feet). In some instances smaller signs are reconstructed as painted bulletins. General advertising signs in permitted areas are put up and modified without discretionary action by the City; since 1965 the City Planning Code has provided that discretionary review cannot be used with respect to sign permit applications.

"The citywide ordinance for control of general advertising signs now introduced by Supervisor Feinstein and referred to the City Planning Commission for hearing would be a major step in sign control in San Francisco.

The proposal has precedents in other communities in California and elsewhere, and Supervisor Feinstein has expressed the view that San Francisco ought to be among the leaders in providing this type of protection for its environment.

"The proposed ordinance has been given a Negative Declaration under environmental review."

Mr. Svirsky stated that the Commission had received 26 letters of support for the proposed ordinance from individuals and 4 letters of support from organizations. In addition, the Commission had received a letter of support from the Coalition for San Francisco Neighborhoods, an organization which represents 14 community organizations. Letters of opposition to the proposed ordinance had been received from 5 sign industry firms, 4 advertisers, and 87 other individuals or firms, most of which appeared to be owners of properties on which billboards are located.

Mr. Svirsky also noted that there had been a marked increase in applications for new billboards in recent months, since the citywide ban had been proposed. Under existing provisions of law, these applications are almost automatically approved, without use of Department or Commission discretion.

Commissioner Rosenblatt, noting that Mr. Svirsky had stated that the number of permit applications for billboards has been increasing, inquired about the rate of increase. Mr. Svirsky replied that 44 permit applications for billboards had been processed in 1976 through the end of August, the preponderance of which had been filed in recent months. These statistics for previous years was as follows: 1975, 11 permits; 1974, 17 permits; 1973, 29 permits; and 1972, 62 permits. He noted that those statistics indicated a steady decline in the number of permit applications for billboards being filed until this year.

Commissioner Starbuck asked Mr. Svirsky to provide the Commission with a description of general advertising signs. Mr. Svirsky replied that general advertising signs advertise goods and services which are not available, other than incidentally, on the site where the sign is located; and the size of the signs has been for the most part standardized to three basic formats.

Commissioner Starbuck then asked if a wall sign advertising goods and services available on property located immediately adjacent would be considered to be a general advertising sign. Mr. Svirsky stated that a sign located on a wall on a property line immediately adjacent to the establishment to which it directs attention, and otherwise meeting the criteria for a business signs or identifying sign, would not be classified as a general advertising sign.

Tova Wiley, 132 Union Street, read the following prepared statement:

"I am here tonight as a spokesman for the California Roadside Council and as a resident of San Francisco and a quite substantial taxpayer thereof. I am here to support Supervisor Feinstein's draft ordinance which is before you, the purpose of which is to ban off-premise advertising through the city. I am a concerned citizen and I care about the way my city looks. I am here to urge you to approve this ordinance and to back it up all the way through the maze of red tape it must go through up to the Board of Supervisors.

"The California Roadside Council, under the inspired guidance of Mrs. Ralph Reynolds has worked for years to enhance the quality of our environment--by beautifying our city streets, highways and freeways with trees and landscaping and roadside rests and in so doing keeping the proliferation of off-premise billboard advertising under control. The booklet 'Signs Out Of Control' published by the California Roadside Council is a classic and is used by cities and counties and States throughout the country to help them in solving the problem of visual pollution by blatant billboard advertising. If the members of this Commission haven't read it I'll see that you receive a copy.

"Let's face it--billboards and handsome city streets and boulevards and vistas public and private buildings are wholly incompatible and we all know it. You will be told in smooth Madison Avenue arguments that billboards contribute to the scenic values of our city--utter nonsense--they are the warts and scars on our face and we wish they weren't there.

"When the City of San Francisco finally passed a sign control ordinance in 1965 after years of hearings and arguments and compromises, we finally emerged with a less than satisfactory ordinance that did not solve the whole problem of visual pollution, but at least it was a first step.

"Now it is time to view the City as a whole, to emphasize its great beauty and charm and to divest ourselves of these huge advertising signs that block our views, distort our roof lines and detract from the contour of our hills. This, of all cities in the world does not need billboards to enhance its scenic values.

"It is appalling to see two billboards, right here on Van Ness Avenue in plain sight of this superb building, which the outdoor advertising company agreed to take down in 1966. It is still there--and do you know what I learned a year ago? Those billboards are on buildings that are owned by the Redevelopment Agency which is a part of the City and County of San Francisco. The billboard people have been stalling for ten years on the matter of getting them down and the all-powerful autonomous Redevelopment Agency is incapable of enforcing the law and getting rid of them. Van Ness Avenue is a majestic boulevard, leading to the bay--it should not be marred by a single billboard, but we've got them plastered on this street from one end to the other.

"On Geary Boulevard, as you drive up a gentle rise and expect to look ahead to wide panorama of city-scape, you run smack into a huge billboard that cuts it all off--why should this be allowed? We've paid for these streets and the development of this area and we should protect it from such encroachment.

"And as for our waterfront--what should be a promenade and drive of splendid civic beauty is marred by a parade of king sized billboards on huge steel trusses--one after another extolling the virtues of Vodka, the joys of smoking X brand cigarettes, the lure of Las Vegas. They should not be there and the only way we can get rid of them is to pass a comprehensive billboard ordinance.

"Supervisor Feinstein and members of the Planning Commission, I wish that I had the controlled eloquence of Mr. Agnost, or the force and flamboyance of Mr. Marvin Lewis--but I don't, I only have the great urge and desire to maintain the beauty and character and quality of this great City and I trust you will do your part to shepard this ordinance to its final enactment."

Jeanne Lippay, Vice President of the Preservation Hall Democratic Club, read and submitted the following letter:

"The Preservation Hall Club has gone on record with the Board of Supervisors in support of an ordinance to amend Articles 2 and 6 of the City Planning Code which would prohibit general advertising signs throughout the City and County of San Francisco.

"It is apparent from a perusal of the 9 or 10 volumes of photographs on file in the Zoning Section of the City Planning Department depicting the placement of billboards and advertising signs that the present Code is not effectual.

"The few representatives of the billboard industry which have chosen to fight these amendments contend that a public service will be eliminated. I have heard that expression misused many times - but never in such an audacious context. Not only do these signs represent a safety hazard near congested city highways and streets, vying for attention with directional and driver safety signs, but they turn entire areas into virtual slums. While they may afford income to a few individual property owners on whose land they are placed, this can hardly be called a 'public' service. It's right name is self-interest and it's end result is to detract from the value of all other property in the vicinity.

"We are constantly being asked to continue degrading our surroundings for the sake of jobs, even when the number of jobs affected do not exceed 100 or 150. Our direct answer to those industries which offer this excuse for their practices is simple - the terms are unacceptable. We believe it is the burden of those who are making money from property and services in

the City and County to make sure that the ways in which they make that money are compatible with the environment of those who live here. San Francisco has more outlets for artists than almost any other city; the very small percentage who depend upon the production of billboards and general advertising signs for their livings can and should be persuaded to re-channel their talents into less environmentally degrading work.

"There is some valid excuse for tolerating the signs of on-site businesses - although how some of them have managed to pass the City Codes is beyond comprehension - since they are a matter of bread and butter to their owners who are, presumably, city residents. The same kind of sacrifice should not be asked of us on behalf of advertising agencies representing scores of large corporations based all over the country.

"Many individuals, myself among them, feel it is an infringement of our right to enjoy a cityscape or countryside without having our eyes or spirits taxed by being forced to read some meaningless drivel about a man-made product. It is my belief that advertising has reached the saturation point in our lives - sheer quantity has made it counter-productive. It is beginning to have just the opposite of its intended effect upon recipients. The present crop of blatant oversized, gawdy and grotesque general advertising signs is more than a public nuisance - it is a tasteless slap in the eye to a citizenry which deserves much better.

"In addition to the amendments already submitted to this Commission, we would like to request that the following also be considered:

"That the limitations upon roof signs in Section 607 (b) be extended to the area surrounding Union Square;

"That all flashing or blinking signs (Section 607 (e)) be phased out within the City proper;

"That specific and significant penalties for non-compliance be included in the City Code."

Daniel Rolfs, 25 Bergen Alley, represented the North Point Neighborhood Association. He advised the Commission that the Saturday Review had recently carried an article on the most livable cities in the United States; and, although San Francisco had not been included among the most livable cities, it was accredited "runner-up" status based on the recent trend toward neighborhood improvement. He advised the Commission that residents of his neighborhood do not want billboards in their area; yet, in spite of the fact that the area is used residentially, it does have billboards. He indicated that he is a landscape architect; and he recognized that signs are an essential form of communication and that they can be and frequently are very handsome. However, he felt that billboards are never acceptable in an urban environment because they are unrelated to the

land or buildings on which they stand. Representatives of the billboard industry had taken the position that beauty is subjective and that it should not be used as a basis for legislation. However, he regarded the matter of aesthetics as an important issue to be decided and he felt that it was the proper role of the City Planning Commission to involve itself in aesthetic controversies. He believed that the residential neighborhoods of the City will continue to regenerate themselves; and he asked the Commission to assist that process by approving the proposed ordinance.

Bob Tibbits, 386 Chestnut Street, representing the Telegraph Hill Dwellers, felt it was unfortunate that the Commission had no legal authority to refuse to process permit applications for new billboards while the proposed ordinance is pending. He advised the Commission that a huge billboard had recently been erected on The Embarcadero on property owned by the Port; and he was aware of other billboards on properties owned by the Port and the Redevelopment Agency. Under the circumstances, he wondered if the proposed ordinance would apply to properties owned by those two agencies. He noted that billboards located along freeways were previously granted a 10-year amortization; and he remarked that many changes have taken place in ownership and tax laws since that time. As a result, he suspected that the value of billboards has been lessened and that the writeoff period for the capital investments made by the billboard industry has been shortened. Under the circumstances, he felt that the 10-year amortization period being recommended in the proposed ordinance might be excessive. As an alternative, he suggested that billboards might be classified by age; and the largest and newest signs could be granted a maximum period of 5 to 7 years for amortization purposes. One desirable feature of that alternative would be that the total number of billboards would be reduced annually. He also felt that the proposed penalty of \$100 a day for signs which continue in place after the specified date for removal would be too lenient and would have no effect in bringing about the eventual removal of larger and more brightly-lit billboards. He remarked that efforts have been underway to get rid of billboards in San Francisco for the past 15 years; and he urged the Commission to put more "teeth" in the proposed ordinance and to recommend its adoption to the Board of Supervisors.

Commissioner Rosenblatt asked if the proposed ordinance would apply to properties owned by the Port and the Redevelopment Agency. Mr. Svirsky replied in the affirmative. He stated that it was his understanding that the Port is the only City agency which has been allowing construction of billboards on its property. The few billboards owned by the Redevelopment Agency were inherited when that agency acquired the properties on which the billboards are located.

John Jacobs, representing the San Francisco Planning and Urban Renewal association (SPUR), advised the Commission that his organization always attempted to take a balanced view of city issues. He stated that the major saleable product of the City is its beauty; and the major saleable product of the City's neighborhoods is their ability to compete with suburban areas. While he recognized that the billboard industry does contribute in some small way toward the economy of the City, he felt that it would be an error to retain billboards for that reason to

the detriment of the beauty of the city. He acknowledged that the jobs provided by the billboard industry are important; but he felt that an alternative amortization plan could be developed which would relate billboard removal to relocation of individuals employed by the billboard industry. He remarked that there are cities in the United States which have outright bans on off-premises signs. In San Francisco, billboard legislation has been opposed by one small industry; and, thus far, the industry has won. He urged the Commission not to allow the billboard industry to make a "laughing stock" of San Francisco.

Stewart Morton, Vice-President of The Foundation for San Francisco's Architectural Heritage, stated that he found the statement of purposes and findings in the proposed ordinance to be accurate; and he indicated that his organization supported the draft ordinance. He urged the Commission to act on the ordinance promptly and affirmatively.

Ron Kaufman, 55 Francisco Street, stated that he owns ten buildings in the Northern Waterfront area; and he remarked that development of that area has been a matter of serious concern for a considerable period of time. New developments have occurred in the area; and they have had a strong influence on other properties in the vicinity. In addition, they have provided hundreds of jobs. His own group had spent a massive amount of money on the development of the No. One Lombard Building; yet, a large billboard advertising scotch and vodka is located directly across the street from that building on property owned by the Port. The presence of that billboard has hindered the leasing of space in new and rehabilitated buildings in the area; and, as a result, the city has lost jobs and tax revenue. While the Port had claimed that the billboard was not a new billboard but merely an older billboard which had been altered, he advised the Commission that the billboard is in fact a new billboard which is sited in a different location than the billboard which had previously existed. Furthermore, while the billboard is providing the Port with \$500 a month revenue, it is causing the City to lose five or six thousand dollars in taxes. He stated that billboards in the Northern Waterfront are a visual blight and in some cases a hazard; and, in addition, they are a hindrance to development. In conclusion he felt that the Commission should have had the authority to suspend the processing of all permit applications for new billboards while the proposed legislation is pending.

Commissioner Rosenblatt, noting that the Board of Supervisors has before it a proposed resolution urging the Port Commission to cease approving applications for new billboards on Port properties and to terminate all existing billboard leases, asked the staff to obtain copies of that resolution for members of the Commission.

Albert J. Reid, representing Foster & Kleiser and Eller, Inc., the two major billboard firms doing business in San Francisco, stated that the firms that he represented would be most affected by enactment of the proposed ordinance. He also indicated that he was representing employees of the two firms, many of whom were present in the meeting room on a voluntary basis. He stated that he agreed with most of the facts cited in the staff memorandum to the sign ordinance which was enacted in 1965; but he could not agree that an ordinance which would prohibit all

billboards in San Francisco could properly be called a sign "control". Furthermore, he felt that many of the allegations made in the proposed ordinance which had been introduced by Supervisor Feinstein were erroneous. He then called on Gene Kessler to give a slide presentation on behalf of the firms he represented. The slides illustrated the types of billboards which are utilized, the manner in which showings are distributed, the evolution of the outdoor advertising industry, and the types of customers who are served by the industry. The point was made that outdoor advertising contributes in a very significant way to freedom of speech in America; and attention was called to the fact that recent Supreme Court decisions have taken that issue into consideration. The City of Denver had adopted an ordinance which would totally prohibit outdoor advertising; but the Colorado State Supreme Court had ruled that commercial and non-commercial advertising was protected under the free speech provisions of the Constitution. During the presentation, Mr. Kessler tried to clarify certain alleged misunderstandings about billboards and the billboard industry. The argument had been made that billboards should be prohibited because they are increasing in size and number; he stated that the sizes of billboards are standardized and that the number of billboards has decreased by 42% during the past 10 years for various reasons. One of the stated purposes of the proposed ordinance was to protect the health, welfare and traffic safety of citizens of San Francisco; but safety research which had been undertaken by a UCLA study indicated that there is no record of accidents having been caused by billboard distraction. The claim had also been made that billboards are a public nuisance; but he emphasized that they do not pollute air or water. Also, individuals would claim that billboards constitute a form of "visual pollution". He indicated that the Supreme Court of Maryland had ruled, in essence, that beauty is in the eye of the beholder. In fact, museums have presented exhibits of outdoor advertising artwork. The argument had also been made that billboards discourage tourists from coming to San Francisco and that billboards serve no purpose for San Francisco; yet, San Francisco uses outdoor advertising to advertise itself in other cities. Union Square is one of the primary tourist areas of San Francisco; and when the 1965 ordinance was approved by the Board of Supervisors, the vote was 10 to 1 to allow billboards to remain in that area. Furthermore, surveys had proven that the vast majority of people approved of outdoor advertising and that only a small but vocal minority opposes billboards. He stated that the two major billboard firms contribute to the overall economy of San Francisco by paying more than \$1,000,000 to their lessors annually; and the two firms have a combined payroll of more than \$2,600,000 annually. He indicated that the firms he represented had endorsed the sign ordinance which was adopted by the Board of Supervisors in 1965 with one minor exception; and he urged that the proposed ordinance, which would result in the removal of all billboards in San Francisco, be disapproved.

Mr. Reid subsequently introduced each of the speakers who addressed the Commission in opposition to the proposed ordinance through the remainder of the hearing.

Charles Stuart, Vice-President of the Bank of America, indicated that he was in charge of advertising for his firm. He advised the Commission that the Bank of America was the first bank to use outdoor advertising; and he felt that that innovative approach was responsible for the growth of the bank. He regarded outdoor advertising as a vital and essential medium for selling the services of his firm; and he urged the Commission not to approve the proposed ordinance.

Robert Footman of Maxwell Arnold Advertising stated that his firm, which is a small business, handles clients who cannot afford or do not need to advertise on television or in newspapers which have coverage throughout most of Northern California. One of his clients, the Golden Gate Bus Company, had found that its buses were usually filled in one direction and empty for the return trip; and, working with Foster & Kleiser, they had developed an advertising campaign to discourage the use of private automobiles. Furthermore, he believed that there is no more effective medium than outdoor advertising for politicians and political issues. He urged that the proposed ordinance be disapproved.

Randy Farrand, representing Batten Barton Durstine & Osborn Inc., stated that large advertisers also seek cost-effective means of advertising. He indicated that he had handled advertising messages for some of San Francisco's largest firms; and he had found that outdoor advertising is the most effective means of getting those messages to the public. He reported that Foster & Kleiser has a reputation for providing the best service and the best maintenance; and he regarded it as unthinkable that the Commission should be considering adoption of the proposed ordinance.

Marcia Hatch informed the Commission that the board of directors of the San Francisco Advertising Club had adopted a resolution in opposition to the proposed ordinance. While her organization was concerned about the cities and highways, the members of the organization did not feel that billboards in commercial and industrial districts had a blighting effect; and she suggested that the sign ordinance adopted by the Board of Supervisors in 1965 should be considered sufficient to protect the beauty of San Francisco.

Robert Cardinal, representing the Cardinal Printing Company, stated that his firm had acquired a new building several years ago; and the seller had increased the cost of the building by \$100,000 because of the income anticipated from two signs located on the property. Without the income from those signs, his firm would be forced to move out of San Francisco. He stated that he did not find signs to be offensive; and he regarded them to be an important means of communication. He urged the Commission to disapprove the proposed ordinance.

Monroe A. Bloom, a retired citizen living in Hillsborough, felt that the proposed ordinance was unnecessary, arbitrary and discriminatory; and he believed that it would discourage people from investing in property in San Francisco. He stated that he owns property in the Potrero industrial district which has been in his family for over 100 years. His net income from that property has been decreasing year by year; and he expected the property to operate at

a loss this year. The only income which he receives from the property is derived from signs. He did not understand how removal of signs would accomplish anything of benefit for the City; and he believed that adoption of the proposed ordinance would only hurt property owners and result in the loss of jobs. He regarded aesthetics as a matter of personal opinion; and he indicated that he regarded the Yerba Buena Center area as a blight on the City. He believed that adoption of the proposed ordinance would bring gratification to only a very few people while damaging many people; and he did not feel that adoption of the ordinance would achieve any important end.

Gregory Hurst, representing the Greater San Francisco Chamber of Commerce, read the following prepared statement:

"The issue of billboards in this City is one that from time to time has become extremely emotional in nature. Some years ago when plans were being developed for the Beautification of Market Street it was determined that all billboards should be removed from The Embarcadero to the Central Freeway. The San Francisco Chamber supported the removal of these signs even though this action was considered contrary to best interests of some of our members. However, it was felt that if the revitalization of Market Street was to be complete, it would be wise to remove these signs.

"Today, we find the issue of billboards once again before us. This time, it is our opinion that the proposals being put before you by the Supervisors, (that is to remove all billboards from the entire City), is irresponsible and in fact will, in the long run, do damage to many segments of our economy.

"The speakers who have appeared before me have covered in detail many of the issues that we feel you should consider in making your decisions. Therefore, I will not attempt to repeat them. I will say, however, that the San Francisco Chamber is opposed to any action that would eliminate billboards in general, and are in full support of those individuals and organizations that have spoken against this issue. We would hope that this Commission would take similar action.

"Now if you will permit, I would like to make a few comments as the staff person for the Assistance to Business Committee recently established by Supervisor Nelder and the Board of Supervisors. This committee made up of both business representatives and community representatives has been very concerned over the fact that many business have left the City. Their main objective is to stop this exodus and, at the same time, provide whatever assistance they can for those companies that are located in San Francisco and are having problems that would cause them to leave.

"I believe this is a clear example of an action, if taken by this Commission which would definitely result in the loss of one or more businesses to San Francisco. In these most difficult times San Francisco can ill af-

ford the loss of even one business, let alone the loss of an entire industry, which could be the result if the Planning Commission and the Board of Supervisors passes this proposed legislation.

"The ABC Committee urges you to carefully examine all the data before making a decision."

Herb Savaco, representing the Teamsters and Warehouse Union Local #860, urged the Commission to give consideration to jobs in taking action on the proposed ordinance. He stated that San Francisco has a 12% unemployment rate; and he remarked that unemployment is "ugly". San Francisco is beautiful; and he urged the Commission not to make it ugly by approving the proposed ordinance which would result in the loss of jobs.

Arthur Paulo, business agent for the Sign Painters Union Local #510, stated the sign painters are the greatest artists in the Bay area, bar none. He remarked that San Francisco has an unemployment rate of 12.3%; and he indicated that 1800 businesses have left San Francisco during the last four years. He advised the Commission that he represented 350 workers who work for the billboard industry and who would be directly affected if the proposed ordinance were adopted; and, if they were to lose their jobs, thousands of other people would be indirectly affected. He felt that San Francisco could not afford to adopt the proposed ordinance; and he urged that it be disapproved by the Commission.

Edward Broome, representing the Sickie-Cell Anemia Research Foundation, Inc., advised the Commission that Foster & Kleiser had donated \$79,000 worth of free advertising to his foundation; and he felt that that firm should be allowed to continue to do business in San Francisco.

Mrs. Andrew Gallagher, representing the Southern Promotion Association, remarked that Foster & Kleiser has always presented advertising of the highest quality; and she indicated that she wished to join the people who were opposing adoption of the proposed ordinance. In conclusion, she remarked that some of the people who were supporting the proposed ordinance are the same people who "break their necks" to get advertisements on billboards in the best locations at election time.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that this hearing be continued until a special meeting on Thursday, October 28, at 7:30 p.m.

Commissioner Rosenblatt asked representatives of the billboard industry to advise the Commission what percentage of the 1105 billboard signs in San Francisco are owned by Foster & Kleiser and by Eller, Inc. In addition, he requested that they indicate the average monthly lease payment for billboard locations in San Francisco. He asked the staff of the Department of City Planning to review the Denver ordinance prohibiting billboards and the Colorado State Supreme Court's decision regarding that ordinance; and he also requested that the staff review

any pertinent United States Supreme Court decisions. He also suggested that Section 601.5 of the draft ordinance, which sets forth purposes and findings with respect to general advertising signs, should have certain statements explained in response to comments which had been made by members of the audience. In particular, he was concerned about the statement that billboards "have proliferated in many areas of the City, and have become larger, more imposing and more intrusive". He noted that representatives of Foster & Kleiser had taken the position that those statements were erroneous; and, if they were erroneous, he questioned whether they should be included in the draft ordinance.

Commissioner Bierman asked what effect the adoption of the proposed ordinance would have on enforcement of the 1965 sign ordinance. Mr. Svirsky replied that the City had had difficulty in enforcing the provisions of the 1965 sign ordinance in that the sign industry had failed to comply with certain amortization provisions contained in it.

Mr. Reid stated that he had been aware of the proposed ordinance now under consideration for only one month and denied the implication that introduction of the ordinance had escalated the number of permit applications filed for new billboards. He asked whether the 44 permits for new billboards which have been processed by the Department of City Planning during the current year had been filed by Foster & Kleiser and Eller, Inc. Mr. Svirsky replied in the affirmative and indicated that he believed that the industry had been aware of the proposed ordinance for longer than one month. He stated that he did not have a month-to-month breakdown of the 44 applications; but it was his understanding that the preponderance of them had been filed recently. In reply to a question raised by Commissioner Rosenblatt, Mr. Svirsky responded that permit applications for new billboards are filed by sign companies and not by the owners of properties on which the signs are to be located; and he indicated that the sign companies have not erected all of the billboards which have been authorized.

Commissioner Rosenblatt requested that representatives of the billboard industry advise the Commission as to the amount of advertising space which is donated to individuals or organizations. Mr. Reid stated that he would provide that information for the Commission.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this public hearing be continued to a special meeting to be held on Thursday, October 28, at 7:30 p.m. in Room 282, City Hall.

The meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Lynn E. Pio
Secretary

16
- SAN FRANCISCO
- CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 30, 1976.

The City Planning Commission met pursuant to notice on Thursday, September 30, 1976, at 1:00 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, and James J. Finn, members of the City Planning Commission.

ABSENT: Thomas J. Mellon and Charles Starbuck, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Lucian Blazej, Planner IV; Alan Lubliner, City Planning Coordinator; Edward Michael, Planner III; Jonathan Twichell, Transit Planner III; Marie Zeller, Planner III (Administrative); Edward Greene, Planner I; and Lynn E. Pio, Secretary

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during October.

2:15 P.M. - 100 Larkin Street

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the Special Meetings of August 19 and September 21, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the public hearing on the question of terminating or modifying the conditional use authorization for Pets Unlimited at Fillmore and Washington Streets, originally scheduled for October 14, will have to be postponed until November 4 or a later date on the advice of the City Attorney's office.

The Director advised the Commission that the Department of City Planning had satisfied requests made by the Mayor and the Finance Committee of the Board of Supervisors for budget reductions for the current fiscal year.

After discussion, the Commission requested the Director to prepare a response to the Board of Supervisor's inquiry concerning John Sanger's endorsement of a ballot argument opposing the proposition concerning Yerba Buena Center. Mr. Sanger had been hired by the Department of City Planning to assist in the analysis of alternative proposals being considered by the Mayor's Select Committee on Yerba Buena Center. A memorandum prepared by the Director of Planning and a letter to the Commission from Mr. Sanger will be attached to the response to the Board of Supervisors.

The Director stated that the Board of Permit Appeals, meeting on September 22, had overruled the Zoning Administrator in his disapproval of a building permit application. However, the Board had placed conditions in granting the permit which will result in compliance with the City Planning Code.

The Director reported that he and other City officials had participated in an earthquake exercise earlier in the day.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7564 be adopted to commend Thomas J. Mellon, Chief Administrative Officer of the City and County of San Francisco and a member of the City Planning Commission, on his retirement.

In response to a question raised by Commissioner Finn, R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), stated that the Board of Permit Appeals has scheduled a rehearing of its approval of a building permit application for a Doggie Diner at 25th Avenue and Geary Boulevard. The rehearing will be held on October 27.

RECONSIDERATION OF RESOLUTION NO. 7429 ADOPTED ON JANUARY 7, 1976, AND REENDORSED ON APRIL 22, 1976, AUTHORIZING THE DIRECTOR OF PLANNING TO ENTER INTO A CONTRACT WITH THE FOUNDATION FOR SAN FRANCISCO'S ARCHITECTURAL HERITAGE FOR THE PURPOSE OF ADMINISTERING A PRESERVATION LOAN PROGRAM.

The Secretary indicated that a revised resolution had been prepared for consideration by the Commission which explicitly stated that the total amount of the contract would be \$200,000 but that the initial certification of funds to the contract should not exceed \$100,000. The changes had been requested by the Controller's Office.

SEPTEMBER 30, 1976

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the revised resolution be adopted as City Planning Commission Resolution No. 7565.

RECONSIDERATION OF RESOLUTION NO. 7552 ADOPTED SEPTEMBER 2, 1976, RECOMMENDING MODIFICATION OR REMOVAL OF TRAFFIC BARRIERS IN THE INNER RICHMOND DISTRICT.

The Secretary stated that this matter had been calendared as a courtesy to J. J. Doyle, an attorney for residents of the Inner Richmond district, who had requested to be notified of any further consideration of this matter by the Commission. When Resolution No. 7552 was adopted on September 2, 1976, it was brought up off-calendar; and proper notice had not been given to Mr. Doyle. The Secretary further indicated that the Commission had just received a letter from Mr. Doyle stating that he was involved in a trial and would be unable to attend the Commission's meeting. Therefore, he requested that reconsideration of Resolution No. 7552 be postponed until the Commission's next regular meeting.

Rai Y. Okamoto, Director of Planning, stated that Resolution No. 7552 had been prepared in consultation with the Director of Public Works; and he indicated that he would be reluctant to modify the language of the resolution without further consultation with Mr. Tatarian.

Commissioner Finn, noting that the Commission had already acted on this matter and that the matter was now properly before the Board of Supervisors for consideration, moved that the item be removed from the Commission's calendar. The motion was seconded by Commissioner Dearman.

President Lau observed that the Commission had held a "fact-finding" public hearing in the Inner Richmond neighborhood on July 27 to determine the nature of the neighborhood concern over the traffic barriers; and, following the public hearing, the Commission had transmitted its findings and recommendations to the Board of Supervisors. If individuals were disappointed in the Commission's recommendation, he felt that the appropriate thing for them to do would be to testify to that effect before the Board of Supervisors.

Mrs. Samuel Rodetsky, 165 Stanyan Street, stated that Mr. Doyle had asked her to represent him at the meeting. She indicated that Mr. Doyle wished the Commission to know that more than 80 percent of the residents of the area had responded to the poll conducted by the Department of Public Works that they wished to have the barriers removed; and, if the Commission is acting in a democratic fashion, she felt it should have recommended to the Board of Supervisors that all of the barriers be removed.

The Director stated that the Department of Public Works poll had not been completed when the Commission had adopted its resolution on September 2. In any case, the role of the Commission is advisory; and it would not be in a position to tell the Board of Supervisors of the Department of Public Works what they should do.

After a member of the audience had remarked that the Commission's action may have been premature, Commissioner Bierman stated that the Commission had not wanted to be responsible for delaying a final decision on the matter; and, with that same objective in mind, she felt that the Commission should vote during the present meeting to reaffirm the previously adopted resolution.

At this point, Commissioner Finn, noting that the matter may not be considered by the Fire, Safety and Police Committee of the Board of Supervisors until October 14, withdrew his motion.

It was then moved by Commissioner Bierman and seconded by Commissioner Finn that this matter be continued until the meeting of October 7 as a courtesy to Mr. Doyle. However, both Commissioners expressed the opinion that the Commission should act on the matter at its next meeting even if Mr. Doyle is unable to be present at that time. Commissioner Bierman also requested that a letter be sent to the Director of Public Works to advise him that residents of the neighborhood were upset and anxious to have the barriers removed.

When the question was called, the Commission voted unanimously to continue this matter until the meeting of October 7, 1976, at 4:00 p.m.

At 3:30 p.m. President Lau announced a five-minute recess. The Commission reconvened at 3:35 p.m. and proceeded with hearing of the remainder of the agenda.

LM76.3 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE
JESSIE STREET SUBSTATION, 220 JESSIE STREET,
AS A LANDMARK.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, described the architectural and historic character of the building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as a landmark. She advised the Commission her Board would have recommended designation of the building at an earlier date; but the Board had refrained from doing so because the original Redevelopment Plan for the Yerba Buena area had not called for retention of the building and because they did not wish

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to disrupt the renewal program. However, the Yerba Buena Center plan which will be before the voters on the November ballot does call for retention of the building; and, as a result, the members of her Board were urging that it be designated as a Landmark.

David Collins, representing the Redevelopment Agency, stated that his agency had not yet taken an official position with regard to the recommendations of the Mayor's Select Committee on the Yerba Buena Center; however, the recommendation of the staff to the Agency would be that the proposal for retention of the Jessie Street Substation as an historic structure be approved. He cautioned, however, that certain design issues involving the relationship of the building to its new surroundings remained to be resolved; and, in addition, an economically feasible use would have to be found for the building.

President Lau observed that the staff of the Redevelopment Agency had not objected to retention of the building when the matter was under discussion by the Mayor's Select Committee. Mr. Collins agreed, indicating that the Agency's staff had been present at the Committee's hearing to provide information and not to make recommendations.

Robert Berner, representing the Foundation for San Francisco's Architectural Heritage, agreed with Mr. Collins that design and economic feasibility problems remained to be resolved. However, the issue before the Commission was whether the building should be designated as a landmark; and he thought that that decision could be made regardless of the design or economic questions. He advised the Commission that the architectural significance and historic importance of the building had been cited in "Here Today," in a 1974 study of buildings of architectural significance in the Yerba Buena Center area commissioned by the Department of Housing and Urban Development, and in the Environmental Impact Statement which had been prepared for the Yerba Buena Center project. In addition, the Mayor's Select Committee on the Yerba Buena Center had recommended that the building be retained as an historic structure.

Commissioner Bierman remarked that there appeared to be no question that the building is a landmark; and, under the circumstances, she felt that the Landmarks Preservation Advisory Board should have recommended that the building be designated as a landmark at an earlier date regardless of the position which had been taken by the Redevelopment Agency.

Mrs. Platt stated that she agreed with Commissioner Bierman and indicated that she had previously voted for designation of the building; however, other members of the Board had disregarded the merits of the building because of political considerations and had voted against

designation. She stated that she had not been present when the Landmarks Preservation Advisory Board had recently voted to recommend that the building be designated as a landmark; but she indicated that she wholeheartedly supported that recommendation.

Rai Y. Okamoto, Director of Planning, recommended that the proposal to designate the building as a landmark be approved.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7566 be adopted and that the proposal to designate the Jessie Street Substation, 220 Jessie Street, as a landmark be approved.

PUBLIC HEARING ON WORK PROGRAM AND BUDGET FOR FISCAL
YEAR 1977-78

The Secretary stated that the purpose of this hearing was to receive comments from the public before work program and budget proposals are prepared by the staff of the Department of City Planning. Following the public hearing, such proposals will be prepared by staff for presentation to the Commission in November or early December. Following a public hearing on these specific proposals, action by the Commission would be proposed on December 16.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, noted that any staff assistance which her Board receives is provided by the Department of City Planning; and she indicated that one staff person had been lost during the past year. She stated that she was particularly concerned about the clerical situation in the Department of City Planning as it had an effect on the work of both the Department and her board; and she advised the Commission that the Planner III assigned to the Board must do much of his own typing. She stated that she does a great deal of volunteer work in the offices of the Department; and she intended to request other members of her Board to put in additional time as long as the emergency exists. In addition, much of the material which will be submitted to the Commission in the future will be submitted in draft form because of the unavailability of clerical assistance. She also informed the Commission that her Board had been anxious to effect changes in Article 10 of the City Planning Code which pertains to landmarks for the past three years; but they had been unable to get legal assistance from the staff of the Department of City Planning. She regarded those changes as essential; and she hoped that that staff would be available to work on the project after the first of the year. She felt that the Landmarks Preservation Advisory Board is not being as effective as it should be and indicated that she was disappointed in its lack of effectiveness; but she believed that the program of the Board would have to be further reduced unless it is provided with the services of a clerk typist at least two mornings a week.

Robert Berner, representing the Foundation for San Francisco's Architectural Heritage, felt that the City is fortunate to have a Landmarks Board which is essentially comprised of a group of volunteers who spend an enormous amount of time on landmarks matters; and he regarded it as wasteful to deny the City of the best services of such a resource simply because of the lack of clerical assistance.

Rai Y. Okamoto, Director of Planning, stated that he would take the remarks which had been made by Mrs. Platt and Mr. Berner into consideration as he evaluates the work program and budget of the Department of City Planning in the coming months; however, he believed that budget constraints would result in a contraction of many aspects of the Department's work.

PRESENTATION OF TRANSPORTATION STRATEGY AND PROGRAMS REPORT.

George A. Williams, Assistant Director - Plans and Programs, Alan Lubliner, City Planning Coordinator; Jonathan Twichell, Transit Planner III; and Edward Green, Planner I; presented the report and responded to questions raised by members of the Commission. A public hearing on the report will be scheduled at a later date. The report is available in the files of the Department of City Planning.

ZT76.5 AND - PUBLIC HEARING ON PROPOSED TEXT AMENDMENTS TO
ZT76.17 ARTICLE 6 OF THE CITY PLANNING CODE AND RE-
CLASSIFICATION TO ESTABLISH THE UPPER MARKET
SPECIAL SIGN DISTRICT IN THE AREA ZONED C-2 IN
THE VICINITY OF MARKET STREET FROM THE CENTRAL
SKYWAY OVERPASS TO DIAMOND STREET, INCLUDING
PROPERTIES FRONTING ON A NUMBER OF STREETS CLOSE
TO MARKET STREET, AND TO ELIMINATE THE EXISTING
SPECIAL DISTRICT FOR SIGN ILLUMINATION ALONG
MARKET STREET FROM VALENCIA STREET TO CASTRO
STREET. REQUESTED BY MAYOR'S ADVISORY COMMITTEE
ON UPPER MARKET STREET AND INITIATED BY CITY
PLANNING COMMISSION.
(Continued from meeting of September 23, 1976.)

President Lau noted that the Commission, during its hearing on September 23, had requested Mr. Gupta of the San Francisco Council of District Merchants Associations and Mr. Laspa of the Mayor's Advisory Committee on Upper Market Street to contact merchant groups which would be affected by the proposed ordinance and to provide the Commission with a sense of the merchants' reaction to the proposal. He then asked Mr. Gupta and Mr. Laspa to report on the results of their inquiries.

Mr. Gupta was not present in the audience.

Mr. Laspa stated that he had contacted the only two merchants organizations which are active in the area; and he submitted statements which had been signed by the presidents of those organizations.

One of the statements, which had been signed by Dr. M. T. Dijon Kasino, President of the Castro Village Association, read as follows:

"At the General Membership meeting September 28, Castro Village Association voted unanimously in favor of the proposed Sign Control Ordinance for Upper Market provided there be a panel to hear cases which would be considered exceptions.

"Those exceptional cases would include but not be limited to Castro Theatre's proposed restoration and the existing lights on Twin Peaks Tavern.

"Doyle Barfield has been appointed to represent Castro Village Association at all Mayor's Advisory Committee meetings. He will report directly to our officers and Board the results of these meetings."

The second statement, signed by John L. Squeri, Jr., President of the Eureka Valley Merchants, read as follows:

"The Eureka Valley Merchants Association has not taken a stand on the new Sign Ordinance. Our membership has been aware of proposed changes through the Transit Task Force meetings and from other reports received. To date I have not received any complaints or comment from any of our members nor do I anticipate any.

"I personally have no objection to the ordinance and consider it to be a step in the right direction."

Mr. Laspa stated that he had advised both Mr. Squeri and Dr. Kasino of the statements which had been made by Mr. Gupta at the meeting of September 23; and both gentlemen had indicated that they had not been contacted by Mr. Gupta. Although the Castro Village Association had requested membership in the San Francisco Council of District Merchants Associations, the council recognizes only one merchants group in each area; and, since the Eureka Valley Merchants had already been recognized, the Castro Village Association had not been granted membership.

Commissioner Bierman asked Mr. Laspa to comment on the exceptions requested by Dr. Kasino. Mr. Laspa replied that the Castro Village Association considered the flashing lights on the Twin Peaks Tavern to have nostalgic value. The Castro Theatre has recently been sold; and the new owners intend to restore it to its original condition.

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Having learned that the theatre had had flashing lights at one time, they were considering the possibility of restoring the flashing lights and had asked what effect enactment of the ordinance would have on that proposal. Subsequently, in discussing the matter with Mr. Svirsky of the staff of the Department of City Planning, he had been advised that flashing signs had been prohibited on Castro Street since 1965; and, as a result, adoption of the proposed ordinance would have no effect on the Castro Theatre situation.

Commissioner Rosenblatt asked how one could distinguish between a flashing light which is nostalgic and one which is objectionable. Mr. Laspa replied that the difference is probably just a matter of taste. He indicated that he had discussed the matter with the owner of the Twin Peaks bar who was aware that adoption of the ordinance would require stopping of the flashing of this sign. While she would prefer to retain the sign because it seemed to have been good for business, she had stated that she understood why it would be difficult for the Commission to make an exception for one flashing sign when there are 14 flashing signs in the area which would be affected by the proposed ordinance.

Commissioner Bierman asked whether the flashing sign on the Twin Peaks bar would be the only problem to remain unresolved if the ordinance were adopted in its present form.

Mr. Laspa replied that some objection had also been raised to removal of rooftop signs in the area. In addition, the San Marcos Cafe on Market Street had a problem insofar as it had erected a canopy without a permit; and, when a permit application had been filed the proposed ordinance had already been initiated. As a result, the application could not have been approved, since the canopy did not comply with the new standards proposed.

Carl Heymann, Jr., representing the Sign Users Council of California and the California Electric Sign Association, asked if the staff of the Department of City Planning had conducted a survey since the Commission's last meeting to determine if the area to be affected by the proposed sign ordinance has any free standing signs with a height in excess of 24 feet on properties with significant set-backs.

Peter Svirsky, Planner V (Zoning), replied that such a survey had not been conducted. However, it appeared that the only sign meeting the specifications mentioned by Mr. Heymann is the free-standing sign in front of the Safeway store on Market Street which has a height of at least 60 feet. He acknowledged that a requirement to reduce the height of that sign was one of the issues posed by this proposed ordinance, but he noted that a sign on the same location with a height of 24 feet would be very visible.

Commissioner Finn, noting that the Commission had recently been criticized for acting on the recommendations of a neighborhood organization in the Inner Richmond district which did not clearly reflect the desires of residents of the area, asked if the staff had confirmed the verity of the representations which had been made by Mr. Laspa. Mr. Svirsky replied that extensive notice of the proposed sign legislation had been given. Notices had been mailed to the owners of every property in the proposed district and within 300 feet; and members of the staff of the Department of City Planning had personally delivered notices to each of the merchants in the area. When the notices were being hand-delivered, some conversation had ensued; but neither at that time nor when the neighborhood liaison representatives of the staff of the Department had been asked to confer with neighborhood representatives had any significant adverse comment been received relative to the proposed legislation.

Mr. Heymann stated that his primary concerns would be satisfied if individual merchants in the area had in fact been given notice of the proposed legislation.

Frank Sanchez, representing Foster & Kleiser and Eller, Inc., stated that the outdoor advertising industry had had no opportunity to participate in the drafting of the proposed legislation; and he noted that the proposed legislation would require the removal of all billboards in the area without affording them an opportunity to conform to specific standards. Under the circumstances, he hoped that the Commission would give special consideration to the provisions of the proposed ordinance which would affect billboards owned by the outdoor advertising industry.

Rai Y. Okamoto, Director of Planning, recommended that the proposed text amendments and reclassification to establish the Upper Market Special Sign District be approved.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7567 be adopted and that the text amendments and the reclassification to establish the Upper Market Special Sign District be approved.

At 5:10 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 5:20 p.m. and proceeded with hearing of the remainder of the agenda.

Commissioner Dearman was absent from the meeting room for the remainder of the meeting.

PRESENTATION OF MUNICIPAL RAILWAY'S STUDY AND PLAN FOR RETENTION OF TROLLEY WIRES ON MARKET STREET BY A STAFF REPRESENTATIVE OF THE BUREAU OF TRANSPORTATION OF THE PUBLIC UTILITIES COMMISSION AND CONSIDERATION OF PROPOSAL FOR CITY PLANNING COMMISSION ENDORSEMENT OF THE MUNICIPAL RAILWAY'S RECOMMENDATIONS.

Tom Matoff, representing the Bureau of Transportation of the Public Utilities Commission, advised the Commission that the Public Utilities Commission had adopted a resolution recommending the reten-

tion of trolley coach operations on Market Street and the early replacement of the existing overhead with a modern aesthetic installation; and he indicated that trolley coach operations on Market Street would require a revision of the current City policy which specified the removal of the electric transit overhead installation on Market Street as part of the Market Street beautification project. He then explained why the Public Utilities Commission and its staff felt that the retention of the overhead trolley wires on Market Street would be necessary to provide the safest and the most efficient and the most economical transit service for the citizens of San Francisco. He then responded to questions raised by members of the Commission.

Commissioner Finn acknowledged that the Public Utilities Commission had supported the recommendation of its staff for the retention of the trolley wires, on Market Street; however, he indicated that the proposal would not be transmitted to the Board of Supervisors until such time as a Director of Public Utilities has been appointed. Therefore, while he hoped that the City Planning Commission would be willing to endorse the proposal for retention of the trolley wires, he remarked that it was not urgent that action be taken by the Commission immediately. He stated that the Municipal Railway had received a substantial amount of support for its proposal to retain the trolley wires from downtown and various neighborhood organizations; however, the Market Street Improvement Association, primarily being concerned with the esthetics of Market Street, had been opposed to the proposal.

The Secretary informed the Commission that Bob Glover had requested that the minutes reflect the fact that the proposal to retain the trolley wires on Market Street had been endorsed by the San Francisco Planning and Urban Renewal Association (SPUR). In addition, H. Retler, 55 Lundys Lane, had urged that a recommendation be made that no poles be placed in the Market Street sidewalk between The Embarcadero and Van Ness Avenue to support the trolley lines and that instead the trolley lines should be fastened to "I" bolts to be attached to adjacent buildings.

Commissioner Finn stated that there may be cases in which it will be necessary to install poles in the sidewalk along Market Street to support the new overhead trolley wires; however, the Municipal Railway would attempt to minimize the use of poles.

Norman Rolfe, representing San Francisco Tomorrow, advised the Commission that his organization had endorsed retention of the overhead trolley wires in the interest of providing the best possible transit service to the citizens of San Francisco; and he indicated that he did not believe that the overhead wires would be particularly noticeable or objectionable. He urged that the Commission vote to endorse the proposal to retain the trolley wires on Market Street.

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After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7568 be adopted recommending to the Board of Supervisors that its Resolution No. 116-68 be amended and that electric trolley wires and service be retained on Market Street.

Commissioner Finn requested that the Commission's resolution not be transmitted to the Board of Supervisors until a new manager of Public Utilities has been appointed.

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 7, 1976.

The City Planning Commission met pursuant to notice on Thursday, October 7, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas Miller, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, Vice President, City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Douglas Holmen, Planner II; Ralph Gigliello, Planner II; and Robert H. Feldman, Planner II and Acting Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Kuehl represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Miller, and carried unanimously that the Minutes of the Meeting of August 12, 1976, (regular meeting) be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported to the Commission that the Board of Supervisors had approved ordinances for reclassification to allow the development of the San Francisco Executive Park, the recreational vehicle park project on Third and Townsend Streets, and the drive-in photo shop on Alemany Boulevard. He said that the North Point Park/Marina Project, commonly called the Simmons project, is to be calendared first by the Health and Environment Committee and then to go to the Planning, Housing and Development Committee of the Board of Supervisors. He also reported that the Board of Permit Appeals meeting for that week had been cancelled.

The Director reported on a meeting held at the Department's office between members of the staff and Residential Builders Association. The Director stated that at the meeting were Assistant Directors Steele and Williams, Director of the Residential Zoning Study Passmore, Dan Sullivan, head of the Permit Processing section, and Jim Jaquet, representing the Mayor's office. He said that it had been a useful session during which the Department had described the Zoning staff's required permit process by showing the course of a permit through the Department. The staff pointed out to the builders the procedures and problems presently being handled. The Director said that he hoped the meeting would facilitate the working relationship of the builders and the staff and he thought that future meetings of the same nature may be advisable.

Commissioner Dearman directed a question to the Director of Planning regarding the status of a report on the Inner Richmond Rehabilitation Assistance Program. Mr. Okamoto responded that he would have more information on that matter at a later time.

LM76.3 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE SAN FRANCISCO ART INSTITUTE, 800 CHESTNUT STREET, AS A LANDMARK.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), presented the case to the Commission. Mr. Steele reminded the Commission that the matter had been last before them on February 5, 1976, and that on September 22, 1976 the Landmarks Preservation Advisory Board had adopted a resolution rescinding a portion of its original resolution regarding the Art Institute, so as to limit landmark designation to that portion of the site occupied by the original structure designed by Arthur Brown, Jr., erected in 1926. Mr. Steele noted that the two members of the Board who had voted against this redesignation had indicated they wanted the entire site to remain designated. Mr. Steele then introduced Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board.

Mrs. Platt introduced Mr. David Robinson, Chairman of the Board of Trustees of the San Francisco Art Institute to the Commission. Mr. Robinson asked the Commission to rescind its designation of the Art Institute's site as a landmark. He said that a blanket restriction of this nature might restrict the organic growth of the institution. He added that there was substantial disagreement with landmark designation of the Board and that the staff of the institute had acted to initiate designation without the consent of the Board. He indicated that in his opinion the buildings of the institute were not endangered at this time and if at some time in the future they became endangered, landmark designation could be considered. He concluded by respectfully requesting that the Commission put over designation to an indefinite time in the future.

Commissioner Starbuck asked if the Board of Directors was clearly opposed to any designation. Mr. Robinson answered in the affirmative.

Commissioner Dearman asked why the Board members were opposed. Mr. Robinson answered that the Board felt that for the purposes of any remodeling that landmark designation created too severe a restriction. Commissioner Starbuck asked to what extent the Board had been influenced by the Regents of the University of California, the owners of the property, and whether or not the Regents had taken a formal position in this matter. Mr. Robinson answered both questions in the negative.

Mrs. Platt then asked Mr. Robinson how recently the Board of Directors had met. Mr. Robinson responded that they had not discussed this matter since March and there had been no meeting of any sort since June of this year. Mrs. Platt said that a member of the Board of Trustees had written the Landmarks Preservation Advisory Board concerning this issue. She said that the request for designation had come from the Board of Trustees and that staff of the institute had prepared a case report on the matter. She said that the Landmarks Preservation Advisory Board had been assured by the Executive Director of the Institute that the Board of Trustees knew of the application. She also indicated that the Landmarks Preservation Advisory Board had not discussed the matter since April, and that it was her

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understanding that the Landmarks Preservation Advisory Board retraction to allow for designation of only one building was more palatable to the Board of Trustees. Mrs. Platt went on to make two further points. First, that the State owned the property so long as the Art Institute continued to offer art education. In effect, she said, this was similar to the Haslett Warehouse situation, being public property. She said that the Landmarks Preservation Advisory Board, like the City Planning Commission, is in an advisory capacity only in this matter. If the State does not want to respect landmark designation, it can't be forced to. Secondly, Mrs. Platt indicated that the Planning Commission would be reviewing any proposed change in the Art Institute whether or not there was landmark designation of any or all of the property due to environmental review necessary for conditional use authorization for modifications, as well as under the discretionary review powers of the Commission. She added that the Landmarks Preservation Advisory Board would have an opportunity to comment on any proposed changes in the Institute because of these various review procedures. She said that it was because of these procedures that the Landmarks Preservation Advisory Board was willing to give up designation of most of the property. Mrs. Platt then offered to answer any additional questions from the Commission.

Hearing no questions from the Commission, President Lau asked for the Director's recommendations in the matter. Mr. Steele responded that landmark designation was appropriate for the 1926 structure only, given the merits of the building, including the architectural quality. He noted that the resolution of the Landmarks Preservation Advisory Board adopted September 22, 1976, indicated that the rescinding of designation from the other portion of the Institute should not be considered prejudicial in any future consideration by the Board or other bodies which may recommend designation of any additional portion of the site.

Commissioner Starbuck indicated that he would vote for the draft resolution presented to the Commission by Mr. Steele for designation of the 1926 structure as a landmark because in his opinion, such designation would not prove burdensome to the Institute in the future.

Commissioner Bierman moved, Commissioner Dearman seconded, and the Commission voted unanimously to approve Resolution No. 7569 designating the 1926 structure only, as a landmark.

CU76.21 - 799 PHELPS STREET, NORTH EAST CORNER OF INNES AVENUE.
REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING
OPERATION WITH ACCESSORY COMMERCIAL OFFICES; IN AN
M-1 DISTRICT. (EE75.27)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), reminded the Commission that this matter had been

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last before them on September 2, 1976, and had been continued to this date at the request of a representative of the applicant.

Mr. Steele also reminded the Commission that the matter was pending as an enforcement action in the office of the City Attorney who was awaiting a decision regarding this conditional use application before the Planning Commission.

Mr. Archie Briggs, the attorney for the applicant, addressed the Commission and said that he had been unable to attend the September 2 meeting. He said that at that time he had been represented by his investigator who had spoken on his behalf. He indicated that he had made efforts to find and speak to the opponents of the project for the purpose of determining whether a meeting of the minds was possible. He said that he had sent letters to several opponents but had not received any replies.

President Lau said that at the last meeting of the Commission on this matter the opponents to the project had spoken. Mr. Briggs said that he was primarily a trial lawyer and did not know what to say in this matter. He indicated that since taking this case he had been made Chairman of the Model Cities Council and that he hoped the Commission would not consider that fact in reaching its decision. He said that his position as Chairman was not relevant or germane to the matter before the Commission at this time.

President Lau asked Mr. Briggs whether he had been successful in negotiating with Reverend Menderez. Mr. Briggs answered that the Reverend had submitted more than a month before a document that supported the application but that he had not spoken to him recently. Mr. Briggs said that he was opening law offices in Oakland and had not had time to speak to him personally. Mr. Briggs indicated that his investigator had not told him of any change in the positions of the opponents to the projects.

Commissioner Bierman asked whether there had been any recent contact with the neighborhood. Mr. Steele answered that Douglas Holman, Planner II, of the Department had had such contact. Mr. Holman addressed the Commission and said that Harold Madison had called him and that he had spoken to Lenny Gaines the night before at a meeting, and had spoken to Polly Baugh, 45 minutes before the hearing had begun. Mr. Holman said that all three neighborhood representatives had expressed displeasure with the project.

Mr. Briggs addressed the Commission and asked what was the basis of the neighbors' objection. He asked whether such objections were reasonable and bona fide. He questioned whether the neighborhood people were representing themselves or unknown third parties. He said he felt unable to answer the objections to the project unless they were more specific.

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Mr. Steele said that the Commission had taken action twice before to disapprove an automobile wrecking operation on this property. He said that the guidelines adopted for automobile wrecking operations by the Commission in 1969 were not met by this application in that there was an R-1 residential zoning district within 500 feet of the subject property across Third Street. He said also that from a ridge developed residentially above the property there was a view of the open yard in which wrecked automobiles were stored. Mr. Steele said that unless the entire operation, including storage yard, were within an enclosed structure the operation would be visible from residential areas, as well as from the street. He said that there was a potential increase in automobile traffic along Third Street, including truck traffic, that was not desirable from the point of view of the neighborhood.

Mr. Briggs indicated that he thought sufficient facts were in and that the applicant would abide by the decision of the Commission.

Commissioner Bierman said that she was unsure of whether or not this operation would be entirely enclosed or not. Mr. Robert Tilman, representing the applicant, addressed the Commission and said that it was his understanding that the entire operation would be in an enclosed building and not visible from any residential area. Commissioner Bierman asked what would be the effect of the Commission not approving this application. She said she wondered if the litter and debris visible in the yard would continue to be an eyesore. Mr. Briggs responded that disapproval of the application would create more problems than it would solve and that the nuisance would continue and that the block would remain vacant. He again said that he had no evidence that the opponents of the project did not represent someone who refused to step forward and speak in his own name.

Mr. Steele indicated that there would be a total of 10,000 square feet of building on the property according to the application. He said it indicated that there would be a 3,000 square foot building for offices along Third Street and a 7,000 square foot building at the corner of Phelps and Innes for the auto dismantling or recycling operation. He said that the application showed that the central section of the property along Innes Avenue would remain open and would be visible from residential areas as well as from the street.

Commissioner Bierman said that if this was the case that it was not right. She said that she would agree to the project if it were entirely enclosed but if not, she was against it. Mr. Briggs answered that both buildings would be enclosed. Mr. Steele said that the buildings were small compared to the 33,000 square feet of the property that would remain open. Mr. Briggs asked how compelling was it that a few automobiles were parked in the yard. Mr. Steele responded that storage of any inoperable vehicles requires a conditional use authorization. Mr. Briggs said that he understood the

eyesore to be the only vacant portion of the property. Mr. Steele responded in the affirmative, and said that in this operation as well as other automobile wrecking operations that it was necessary to store inoperable vehicles until they are run through a shredder or in some other way disposed of. He said that storage of operable automobiles on a lot gives a very different feeling than the storage of inoperable vehicles, usually in stacks. Mr. Briggs asked what had caused the Department to surmise that the dismantling of vehicles will be an eyesore. Mr. Steele responded that automobile wrecking operations typically had a storage area for inoperable vehicles and that they needed certain areas for fire-fighting apparatus, and other areas for the storage of automobile parts. Mr. Steele said that the application indicated an area 60 feet for parts storage. He said that most likely large inoperable vehicles and large parts would have to be stored outside before being recycled.

Mr. Briggs said that he thought that there were many presumptions and that there may be valid considerations. He said that it was his understanding there would be a wall around the entire property and that no part of the re-cycling operation would extend into the yard. Commissioner Bierman asked if any automobiles would be stored outside. Mr. Briggs indicated that there would be no dumping of automobiles on other people's property. He asked that the applicant not be denied a chance to prove his good faith. President Lau asked Mr. Briggs whether he would limit the auto wrecking operation to the enclosed part of the property. Mr. Briggs replied in the affirmative. He said that Mr. Citrino, the applicant, would put excess inoperable vehicles on other property for storage.

Commissioner Bierman asked that the matter be put over for one week, in order for the applicant to get together with all parties and reach a mutual understanding about the project. She said it was also necessary that the applicant explain fully the project to the Department of City Planning. Mr. Anthony Citrino, the applicant, addressed the Commission and indicated that the project would supply seven, fifteen, or twenty-five jobs to the neighborhood. Commissioner Bierman said that it was her understanding that this was an entirely new idea for an automobile wrecking operation. Commissioner Dearman seconded the motion to put over one week and asked who owned the property. Mr. Briggs answered that the property was owned by Mr. Levin and that a portion was being leased by the applicant for the automobile operation. Mr. Citrino then added that he was leasing the entire plot of land. Mr. Steele added that he doubted that Mr. Citrino didn't intend to use the entire yard. Mr. Citrino answered that he intended to run cars in and out of the property, including the open yard. Commissioner Bierman asked whether he would need the open yard for the operation. Mr. Briggs said at this time that he can't put the entire package before the Commission because he had not had enough time to prepare it. Commissioner Bierman indicated she thought there had been enough time. Mr. Briggs said that there would be only mobile vehicles stored in the yard.

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The question was called and it was unanimously approved to put the matter over for one week to 2 p.m. October 14, 1976.

CU76.28 -897 CALIFORNIA STREET, SOUTHEAST CORNER OF
POWELL STREET.

REQUEST FOR AUTHORIZATION TO CONTINUE A PARKING LOT PREVIOUSLY AUTHORIZED AND TO ERECT A SIGN, IN AN R-5 DISTRICT.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), indicated to the Commission that the matter had been before them on September 2, 1976, and had been put over to this hearing for the reason that neither the applicant nor any proponent had appeared at that hearing. Mr. Steele said that this R5 District was proposed for reclassification to an RM-4 District and that there was a proposal pending to reclassify the 160-foot height district to an 88-foot district. He said that the application was to continue the parking lot indefinitely and to install two signs on the property.

At this point in the proceedings, Commissioner Dearman left the room.

Commissioner Starbuck asked whether the staff was recommending that either or both of the signs be omitted. Mr. Steele said that he would address that question at the right time.

Mr. Bill Nothan, an officer of the Stanford Court Hotel, addressed the Commission. He asked that drawings or sketches be shown. He said he had spoken with Mr. Rosetter of the Department and that no plans had been so far submitted with the application. He said that he objected on that basis and felt that this location should be well maintained and that it be landscaped properly in the future. He said that in the past the parking lot had not been well maintained.

Commissioner Starbuck asked whether the applicant had been informed of the hearing. Mr. Steele answered that the staff had attempted to contact the applicant but that he apparently was out of town. He said that there was an enforcement case in progress because of the failure to maintain the property properly, and that enforcement action was in limbo at present while the matter was being considered again by the Commission.

Commissioner Finn moved, Commissioner Bierman seconded, and it was unanimously approved that the matter be put over one month to the hearing on November 4, 1976, in order that the applicant could be present for a decision of the Commission in this matter. Commissioner Starbuck said that it should be made clear to the applicant that on November 4 would be the final hearing in the matter and the Commission would then definitely take action. Mr. Steele indicated

that the architect for the applicant, Mr. Sheih, had been contacted and would be contacted again. President Lau asked that the Department of City Planning send a written notice to the applicant of the final time of the hearing on November 4.

At this point in the proceedings, Commissioner Dearman returned to the meeting room and reassumed her seat at the Commission table.

CU76.30 -2301 - 19TH AVENUE, SOUTHWEST CORNER OF SANTIAGO STREET.
REQUEST FOR MODIFICATION OF CITY PLANNING COMMISSION
RESOLUTION NO. 6780 TO ALLOW A NON-CONFORMING AUTO-
MOBILE SERVICE STATION TO CONTINUE IN USE INDEFINITELY
AFTER MAY 2, 1980; IN AN R-3 AND PROPOSED RH-2 DISTRICT.
(EE76.291)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a 9,000 square foot gasoline service station currently in operation which was authorized for remodeling in 1971 by Resolution No. 6780. Mr. Steele noted that the sole point in issue for this Conditional Use Application is the deletion of the termination date of the nonconforming use. Mr. Steele further indicated that this is one of many nonconforming commercial uses in residential districts and that the Department is about to develop criteria and standards for Commission action regarding them in the next few months. He said it is the Director's recommendation that this particular matter be put over for a period of six months and that it be taken up again at that time after criteria and standards had been developed. Mr. Steele said he recommended this matter be taken up again on March 3, 1977.

Mr. Steele said that the matter of nonconforming uses was substantially separate from the other parts of the residential zoning study and would be handled as a separate matter for earlier determination. He indicated that, were this matter to be handled prematurely, there might be an avalanche of requests for conditional use authorization to delete other termination dates. Commissioner Starbuck asked whether an avalanche of applications might occur in any case. Mr. Steele responded that it was possible but that if the Commission were to put over this matter, possible applicants could be advised by staff that there would be no point in applying at this time. In the event other applications are filled in the near future, he said, they would be put over until such time as appropriate standards and criteria have been developed in order that they might all be handled in the same manner. Commissioner Starbuck asked that a draft resolution be prepared by staff to indicate the position of the Commission on these nonconforming use matters.

It was moved by Commissioner Finn, seconded by Commissioner Bierman, and unanimously approved that this matter be put over to the City Planning Commission meeting of March 3, 1977.

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At this time Mr. Clyde Mason, a representative of Mohawk Petroleum Corporation, Inc., the owner of the subject property, rose and asked to speak to the Commission. He said he was happy, on behalf of the applicant, to defer to a later date on this matter. He asked that there be some indication that he might participate in discussions in order to formulate new standards or criteria on non-conforming uses. He said that many employees might be out of work and property taken off the tax rolls if the matter were not handled properly. Mr. Steele responded that the staff would contact him at the appropriate time.

Dr. Edward S. Mack rose and addressed the Commission. He identified himself as a pediatric dentist who owned a professional office building across Santiago Street from the Mohawk Gas Station. He indicated he had sent pictures of his building to the Planning Commission and that he hoped he would be allowed to continue in practice at that location beyond 1980. He asked that the Commission seriously consider allowing his building to continue indefinitely. Mr. Steele responded that he was aware of the problem of the professional office building as well as other nonconforming uses in residential areas throughout the City.

At this point in the proceedings Commissioner Starbuck left the meeting room.

CU76.33 - FRANCISCO BAY OFFICE PARK, THE EMBARCADERO AT MONTGOMERY AND FRANCISCO STREETS.
REQUEST FOR MODIFICATION OF CITY PLANNING COMMISSION RESOLUTION NO. 7115 TO ALLOW AN EXPANSION OF BUILDABLE AREA FOR A 2-STORY NON-MARITIME RESTAURANT AND LOUNGE, IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 3. (EE74.245)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property and the subject application to modify an existing planned unit development along The Embarcadero to allow for a two-story restaurant on presently landscaped land. Mr. Steele indicated that the easement line would be moved to the east approximately 25 feet to allow an expanded building area for the restaurant. He indicated that the restaurant building approved according to preliminary plans during 1973 had been a three-story building and the new application had reduced that to a two-story building for the reason that no operator could be found to operate a three-level restaurant.

At this point Commissioner Starbuck returned to his seat.

David Robinson, a principal in Robinson and Mills, the architects and applicants, addressed the Commission and offered to answer questions concerning the application.

Commissioner Bierman asked about the effect of the proposed restaurant on the landscaping. Mr. Steele responded that considerable landscaping would remain after the construction of the restaurant. Mr. Steele added that a maritime parkway is no longer being considered for this area of The Embarcadero and that the final roadway would be four lanes instead of six lanes. Mr. Steele indicated the Director's recommendation was approval of the application. Commissioner Bierman moved, Commissioner Starbuck seconded, and it was carried unanimously that Resolution No. 7570 be adopted and that the subject application be approved. Commissioner Starbuck indicated that it was unfortunate that the high quality landscaping on the property would have to be removed for the restaurant. Mr. Okamoto, the Director of Planning, noted that the conditions for landscaping in the Resolution adopted during 1973 would remain in effect.

CU76.34 -NO. 9 FISHERMAN'S WHARF, THE EMBARCADERO AT TAYLOR STREET.

REQUEST FOR AUTHORIZATION TO EXPAND AN EXISTING RESTAURANT, A NON-MARITIME USE; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1 (EE76.312)

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a 6,000 square-foot restaurant with approximately 600 seats, which is to be expanded with a two-story addition with approximately 120-seat dining area and a small bar of 275 square feet. He noted the addition would have the same architectural style, roof line and tiles, and scale of the existing two-story restaurant building. The new addition, he said, would replace the existing one-story sheds attached to the west end of the building along Wharf J3. He also noted that a 290-space public parking lot is across Taylor Street from this restaurant and there are 216 off-street parking spaces nearby at Pier 43½. He noted finally that non-maritime uses, including restaurants, may be authorized as conditional uses in the Northern Waterfront Special Use District No. 1, and off-street parking requirements for restaurants may be modified by the Commission at part of such applications.

Mr. Howard Johnson, architect and representative of the applicant, Nino Gerald, the owner of the restaurant, addressed the Commission and indicated that the Port Commission had made a survey for the structure and had indicated that the pier and pilings would have to be removed and replaced.

No one appeared at the hearing in opposition to the application.

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Mr. Steele recommended that the application be approved and presented a draft resolution to the Commission.

After further discussion, it was moved by Commissioner Finn, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7571 be adopted and that the subject application be approved.

DR76.26 - 1967 PINE STREET, SOUTH LINE 107 FEET EAST OF LAGUNA STREET.

DISCRETIONARY REVIEW OF PROPOSAL TO CONSTRUCT A 40-FOOT HIGH TWO-FAMILY DWELLING WHERE THE PROPOSED RH-1 DISTRICT INITIATED BY THE PLANNING COMMISSION ON MAY 20, 1976, WOULD REQUIRE CONDITIONAL USE AUTHORIZATION FOR ANY BUILDING WITH A HEIGHT OF MORE THAN 30 FEET.

R. Spencer Steele, Assistant Director - Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is 4125 square feet of vacant land on the south line of Pine Street. He indicated that the proposal was to construct two townhouse dwelling units in tandem, both 40 feet high with two off-street parking spaces and landscaping. He mentioned this project is exempt from environmental review under CEQA. Mr. Steele noted that the predominate height of buildings along this section of Pine Street is 40 feet and that the flats and one-family houses along Laguna Street around the corner average about thirty feet. He said the three three-flat buildings immediately to the east of the subject property are approximately 40 feet high. He noted further that under the proposed RH-2 density standards initiated by the Commission in May that buildings more than thirty feet high required conditional use authorization.

Michio Yamaguchi, the architect and representative of the owner, Mr. Sakurai, offered to answer any questions from the Commission. Commissioner Miller asked why the buildings were to go to 40 feet. Mr. Yamaguchi answered that the owner desired sloping ceilings with lost space and for that reason it would be necessary to go to 40 feet to accommodate the loft. Commissioner Bierman asked what the height was of the building next door. Mr. Steele answered that the height of the building directly adjacent is 40 feet. Commissioner Starbuck asked how the property sloped and Mr. Steele responded that it sloped to the rear.

John Schmiedel, resident of 1935 Webster Street and a representative of the Pacific Heights Association, rose and indicated that the Pacific Heights Association requested the Commission to disapprove the application because this was a transitional area, with exceptional buildings across the street that were not forty feet in height. He said that the proposed building would interfere with the views of neighbors.

Mr. Steele recommended that the application be approved and noted that buildings in the vicinity that were less than forty feet in height were all to the west. He indicated that in the interest of equity that this building be allowed since it would be the same height as the building on the adjacent property.

Commissioner Miller moved and Commissioner Starbuck seconded a motion to approve the draft resolution for approval presented by Mr. Steele. Commissioner Starbuck asked whether the proposed building would be an increase in density in the area and whether there would be significant view blockage caused by it. Mr. Steele responded that there would be no increase in density or substantial view blockage although some blockage of views would probably occur. Mr. Steele added that it would be an unfair burden on the owner to penalize him for this reason.

After further discussion it was carried unanimously that Resolution 7572 be adopted and that the subject application be approved.

DR76.15 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW
OF BUILDING PERMIT NO. 458200 FOR THE CONSTRUCTION
OF A 16-UNIT CONDOMINIUM APARTMENT AT THE NORTH-
EAST CORNER OF CASTRO AND DUNCAN STREETS.

Ralph Gigliello, Planner II, presented the case for the staff. Mr. Gigliello presented the members of the Commission with three items: (1) a negative declaration; (2) a letter for an appeal of the negative declaration; and (3) a sheet showing the chronology of staff efforts over the past several months regarding this case. Mr. Gigliello summarized the materials and said that basically the neighbors wanted more open space in this area. He said he had had verbal contacts with the Park and Recreation Department and it had been explained that there was no plan to extend hilltop acquisitions at this time. He said that this year the high need neighborhoods had priority for park acquisitions and that this was not a high need neighborhood. He said that the Open Space/Park Renovation Citizens Advisory Committee had scheduled a meeting for October 26 to consider this matter. He said it was his understanding that the Trust for Public Land would not become involved in this matter for two reasons. First, that there had already been a contract of sale for the land during the spring between the developer Mr. Dotterweich and the owners of the property. Mr. Gigliello said the policy of the Trust is not to become involved in matters that are subject to such contractual negotiations. Secondly, he indicated that the Trust would not become involved where there was no indication from a city that public acquisition for parks would be made as is the case here. Mr. Gigliello noted that a negative declaration was issued on September 24, 1976, which stated that the neighbors had requested the Planning Commission to exercise its discretionary powers in this matter. He noted further that the Citizens' Advisory Committee

would not reach a final decision regarding acquisition of this property until November 16 and that on December 16 a joint hearing of the City Planning Commission and the Recreation and Park Commission would make final recommendations for 1977 acquisitions. He noted that there were no working drawings yet attached to this application and that there would be further review of this matter by the Planning Commission under subdivision code provisions.

Commissioner Bierman asked for a clarification as to what the Commission was being asked to do at this time. Mr. Steele responded that there was before the Commission at this time an appeal of the negative declaration that had been issued. He suggested that the appeal of the negative declaration was only a delaying action for all practical purposes and that whether there were finally approved 18, 12, or 6 units at this location would have no effect on the community as a whole.

At this point, Mrs. Barbara Francisco, resident of the neighborhood and appellant in this case, addressed the Commission and indicated that she wished to withdraw the appeal at this time.

Mike Dotterweich, the applicant, addressed the Commission and said he suggested that the matter be put over to October 28, which would give time for some indication from the Citizens Advisory Committee as to the priority of park acquisition. Mr. Steele indicated to the Commission that a Planning Commission decision would be invalid if it were made beyond the 20-day period for appeals on the negative declaration. Mr. Gigliello added that there would be no final decision on the matter of park acquisition until December 16.

After further discussion, Mrs. Barbara Francisco, of 526 Duncan Street, and the owner of ten lots in the neighborhood, addressed the Commission. She said the main issue as far as the neighborhood was concerned was that there was inadequate space for cars parked on the street. She said the neighborhood desired only an R-1 density for any new construction. She said there could be no compromise on the issue of the number of units because there was no room for any additional cars. She added that if the neighborhood group was turned down by the Citizens Advisory Committee they might alter their position in the matter but that they were unable to negotiate at this time.

Rena Utz addressed the Commission and indicated she was an owner of property at the southwest corner of Castro and Duncan Streets. She said that she was for open space in this area and presented a letter from the Duncan Street Action Committee with 152 members in favor of open space. She said a questionnaire had been distributed

and that 152 responses had been made and that no canvassing door to door had been done. She said signatures came back on individual envelopes and sheets of paper. She said although the 152 people in favor of open space had many reasons that they all were concerned with the problem of environment in that neighborhood.

At this point Mrs. Francisco submitted to the Commission a letter from the Friends of Noe Valley, signed by William C. Drypolcher, Chairman, Zoning Committee, which supported her position.

Commissioner Bierman asked if a discretionary review hearing were held next week would it prejudice the Open Space Advisory Committee, Mr. Steele responded that any compromise with the builder could possibly jeopardize or compromise open space acquisition. He said there would be two effects. Firstly, as long as there was a possibility of open space acquisition that the neighborhood would hold out and not compromise. Secondly, even if there were no chance of such acquisition, they would still hold out for an R-1 density on the property.

President Lau asked that there be no arguments as to the merits of the discretionary review at this time. Mr. Steele said that in his opinion the chances of this property being acquired for park or open space was nil and that the matter could be held for discretionary review in his opinion on the next Commission calendar. Mr. Steele noted that even if the discretionary review hearing went in favor of the applicant that there were still many procedures to go through, including a hearing on subdivisions and there was a long row to hoe in the matter. Mr. Dotterweich indicated that no working drawings would be done until he has permission to go ahead. Mr. Steele said that there would be no substantial investment in the project until the Planning Commission had given its approval.

Commissioner Finn said that he was concerned with the equities between the neighborhood and the builder and that he would like to give both their day in court. Commissioner Finn moved, Commissioner Bierman seconded and it was unanimously carried that the item be put on the calendar as a discretionary review matter on October 28 at 3 p.m.

At 4:25 the Commission adjourned for a ten-minute recess and resumed its meeting at 4:35 p.m.

EE76.311-PUBLIC HEARING ON AN APPEAL OF A NEGATIVE DECLARATION (ENVIRONMENTAL REVIEW) ISSUED BY THE DEPARTMENT OF CITY PLANNING FOR THE CONSTRUCTION OF A BUILDING WITH EIGHT DWELLING UNITS AND COMMERCIAL SPACE AT 1000 VALENCIA STREET, SOUTHWEST CORNER OF 21ST STREET.

Mr. Steele recommended that the Commission put this matter over one week to October 14, 1976, at 2 p.m. for the reason that the appeal

on the negative declaration had been received only four days before this hearing and State law prohibited hearing it at this time. He said that the staff had scheduled it with the understanding that the appeal would already have been received.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman and carried unanimously that consideration of this appeal be postponed until the Commission's meeting of October 14 at 2 p.m.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW
OF BUILDING PERMIT APPLICATION NO. 463209 FOR THE
CONSTRUCTION OF A BUILDING WITH EIGHT DWELLING UNITS
AND COMMERCIAL SPACE AT 1000 VALENCIA STREET, SOUTH-
WEST CORNER OF 21ST STREET: IN A C-2 DISTRICT.

Mr. Steele said that this matter would follow the previous item and that it, too, should be put over to follow the previous item on October 14 at 2 p.m.

It was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that this matter be put over to 2 p.m. on October 14, 1976, to follow the previous item.

CONSIDERATION OF PROPOSAL BY PACIFIC MEDICAL
CENTER FOR A TEMPORARY AUTOMOBILE PARKING LOT
AT THE INTERSECTION OF CLAY AND BUCHANAN STREETS.

Robert W. Passmore, Planner V (Zoning), presented the case for the Department. Mr. Passmore explained that the reconstruction of Pacific Medical Center had been continuing since 1963 and that in 1969 the City Planning Commission had approved Presbyterian Hospital for 311 beds with expansion potential to 500 acute care beds and a 400-car parking garage at the intersection of Webster and Clay Streets. He said the old hospital had had approximately 250 beds. In 1971, he said, the Commission authorized a totally new Master Plan that incorporated the hospital and garage. This plan contemplated a medical office building north of the hospital, substantial additional medical school, clinic, research and hospital building construction to the west of the hospital. In 1972 the City Planning Commission approved final plans for the office building but the medical center has found it lacks funds to build the office building of the nature required by the Master Plan on the site north of the hospital. He said the staff and the hospital have had some discussions concerning placing the building on Webster Street between Sacramento and Clay.

Mr. Passmore continued that the hospital indicated last year an interest in providing a parking lot on the site. The Department indicated that only a temporary lot could be considered under the existing authorization. A more permanent facility would require revision of the resolution passed in 1972 and the Master Plan approved at that time. Additionally, he said, the Department advised that any such proposal should have the support of adjacent neighbors.

Mr. Passmore said that it was the hospital's intention to ultimately have accommodations for 1,400 automobiles, including the existing 400-space garage and smaller lots including the proposed temporary lot on the subject property. The current proposal would be for a temporary parking lot blacktopped to accommodate 29 automobiles, with the Yellow Cab stand now at the entrance of the lot repositioned closer to the hospital entrance. A gatehouse appropriately landscaped similar to the one presently at Webster at Clay would be provided for a security officer assigned to direct arrivals. There would be an eight-foot redwood palisade fence set back four feet from the sidewalk line facing Buchanan Street and a solid redwood fence 5½ feet high along the north side. The lot would be open from approximately 7 a.m. until 7 p.m. each day and would be for the use of doctors on rounds, persons accompanying patients for admission, and persons coming to pick up patients on discharge. There would be no public parking of an uncontrolled nature allowed. He continued that there had been meetings attended by Department staff held by the Pacific Heights Neighborhood Council in June and September at the Pacific Medical Center to review the proposed plans. He said the original proposal by PMC was for a thirty-five space parking lot and that the plan had been revised at the suggestion of the Department of City Planning so that landscaping could be provided, thus reducing the number of spaces to approximately 30. He said that during a September meeting, the membership of the Pacific Heights Neighborhood Council had voted in favor of providing the lot. He said that Mrs. Bloomfield would report on this meeting. He went on that Mr. Richard Garlinghouse, the owner of an adjacent residence immediately to the east of the proposed lot, expressed opposition to the lot at the Council meeting, but was unable to attend today's meeting and had submitted a letter to the Commission explaining his concerns, which are supported by owners for other properties in the immediate vicinity.

Commissioner Bierman asked if there were some statistics on the occupancy rate of the hospital garage. Mr. Passmore responded that there were no verified figures available, but that parking remained a problem in that neighborhood. Commissioner Finn asked about the cost of use of parking spaces in the existing garage. Mr. Passmore responded that there was a flat rate of \$12.50 per month, although he was not sure whether that was for doctors only. Commissioner Bierman asked whether the area was partly vacant. Mr. Passmore responded that this was a staging area for hospital construction.

Frederick Meyer, the hospital administrator, addressed the Commission and said that the hospital had tried to participate in this project with the neighborhood and that he would try to clarify some of the concerns of the commissioners. He said that the peak hours when the 400-car garage tended to overflow was from 9:30 a.m. until noon-time and again in the midafternoon until 5 p.m. He indicated that Clay Street was a steep hill and was very difficult for use by many of the hospital's patients who went there for orthopedic or cardiac problems. The temporary lot, he said, would be for the use of such patients who were being discharged or admitted and for the use of doctors on rounds. He indicated there would be a security officer at the entrance from 7 a.m. until 7 p.m. so that the temporary lot would be for controlled parking only. Commissioner Starbuck asked where the physicians and patients dropped off now were accommodated. Mr. Meyer responded that there was congestion at the corner of Bush and Clay Streets which tended to disturb the neighbors. He said it was not unusual for the patients to have to struggle up the hill during peak hours and that it was very difficult to maneuver there for the orthopedic patients especially. Commissioner Starbuck asked if any of the spaces in the proposed lot would be reserved for use by physicians. Mr. Meyer answered in the negative. Commissioner Bierman asked whether the temporary lot would be opened only for a limited time during the day. Mr. Meyer answered in the affirmative - from 7 a.m. to 7 p.m. Commissioner Finn asked whether the security officer on duty would be there around the clock. Mr. Meyer indicated that they had a security officer on duty from 6 a.m. until midnight each day, and that such a policy would continue.

A woman spoke from the audience and asked whether the parking lot would be closed at night, and Mr. Meyer answered in the affirmative. The woman then asked how high the fence would be and was told it would be an eight-foot fence. Commissioner Dearman asked the woman if she was concerned about the houses on the north side and the woman answered in the affirmative.

Richard Garlinghouse, resident and owner of 2310 Buchanan Street, addressed the Commission. He said he would only hit the high points mentioned in his letter to the Commission. He indicated that the parcel map attached showed the residents who had signed it in opposition to the parking lot at this time. He said in his opinion the hospital had consistently been operating in violation of its own master plan. He said he felt that the main issue in this matter was the overall impact of the hospital on the neighborhood, including the impact of this proposed parking lot. He said he was concerned with whether or not alternative sites had been explored. He said that at this time there is a shuttle service for hospital use from the garage on Webster Street. He said it was his feeling and the feeling of the signers of the letter that the parking lot should be opposed at this time but might be supported after a master plan had been submitted to the Planning Commission by December 31 of this year as required by the newly adopted ordinance.

Commissioner Starbuck asked about the shuttle service. Mr. Meyer responded that it was in operation from 4:30 to 5 p.m. from the corner of Clay and Webster to the front of the hospital and was for the use of people in wheelchairs as well as others. Commissioner Finn asked about a parking area to the west and down the stairs and how many spaces and for what purpose was this lot. Mr. Meyer responded that there were twenty spaces there. Commissioner Finn asked if these spaces were reserved for the use of the physicians. Mr. Meyer responded that some of the spaces were for the use of kidney dialysis patients and some were for the use of physicians. He said there were a limited number of spaces for the use of physicians who went in and out during the day.

Captain William T. Groner of 2317 Washington Street addressed the Commission and said that he owned the property immediately adjacent to the proposed lot on the north. He said he was in favor of this parking lot for the reason that the present lot is an eyesore filled with debris. He said there was a great deal of dust all over the houses and yards on a windy day from this vacant lot. He said the matter had been thoroughly discussed in the neighborhood at the two meetings and had been approved at the first meeting by a vote of 12 to three, at least in principle. He said at the second meeting it had been approved unanimously. He said it seemed to him that it met the neighbors' criteria and that only Mr. Garlinghouse was in complete opposition to the temporary facility. In his opinion he said, it was an excellent addition to the neighborhood. He said the landscaping and fences were desired by the neighborhood and that the facility would relieve congestion and double parking at Clay and Bush Streets. He said in conclusion that he thought the lot would be a great asset to the neighborhood.

Mr. John Schmiedel, resident of 1935 Webster Street and a representative of the Pacific Heights Association, said that trees would be better than the present wasteland, yet he felt that the temporary parking lot was not in keeping with what the Pacific Medical Center could propose on the site. He said he expects that the Pacific Medical Center will clean up this area and that in his opinion, cypress trees would be a nice addition.

William H. Gilmartin of 2224 Clay Street, said that he had opposed the hospital over the years because it was out of character with the neighborhood. He said that he and the neighbors had lost and that the closing of Clay Street had finally been approved. He said that he hoped that the traffic plan, including the proposed lot, would alleviate the traffic congestion. He said that the hospital was there and causing traffic pollution in the neighborhood. He mentioned that Mr. Garlinghouse has no garage and that users of the hospital use his driveway all the time to his great inconvenience. He said whether or not there was a master plan was beside the point, that the traffic was there, and that there was a need for immediate relief from the problem.

Anne Bloomfield, President of the Pacific Heights Neighborhood Council, next addressed the Commission and said that approximately ten percent of the membership had turned up at the meetings held on this issue by the hospital. She said this was 1/2 or 1/3 of those who show up at the regular meetings of the Council. She said at these two meetings she presided over half of the meeting and the hospital presided over the other half. She said the votes had been in support of the hospital's parking lot proposal. She said she was in favor of the temporary parking lot but that the entire hospital question was still open. She said she had spoken to a resident of the area who said that the 400-car garage is usually filled. Mrs. Bloomfield read an item from Resolution No. 6759 approved September 31, 1971. She said the neighbors were disgusted with the present lot, which was an eyesore and that they had tried to do a little cosmetic landscaping but that it was impossible because the ground was so hard and pounded down. She said only a blacktop could be used at this time. She noted that no temporary parking facility at this location was mentioned in the master plan presently on file and that a medical office building was to have been built on this site. She noted that a new master plan would have to be submitted pursuant to the newly adopted ordinance.

Bernard Tolk, resident at 2226 Clay Street, said his house was just off Bush on Clay Street and that he was not a friend of the hospital. He added that the tenant in his building overlooks the proposed parking lot and uses a garage attached to his building adjacent. He said his \$3,500 annual property tax was based partly on the fact that he had a garage attached to his house but that he cannot fully use the garage because users of the medical center park in front of the driveway or in the driveway itself. He said his tenant has to look at the unsightly debris in the present open area, and as a result he is unable to raise the rent on the apartment in his building. He thought that the traffic problem, which is presently very serious, might have some of the pressure taken off if the lot were approved. He said he felt that the master plan for the hospital should be considered and implemented. He said he felt that the Hospital should be given a chance because it had acted honestly and cooperatively with the neighborhood. He said the hospital had taken the neighbors' considerations seriously over the last six months and that he felt that the Commission should approve the temporary parking lot.

Mr. Steele recommended that the Commission approve the temporary parking lot. He said on balance that 29 spaces with the appropriate landscaping was an appropriate temporary use at this time and that in three months there would be a new master plan on file with the Department that would discuss the entire parking matter for the area.

After further discussion, it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7573 be adopted and that the application be approved as recommended by Mr. Steele.

EE76.300-PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT
REPORT AND STATEMENT FOR THE 1977 COMMUNITY
DEVELOPMENT PROGRAM AND HOUSING ASSISTANCE
PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK
GRANT.

Mr. Steele reported to the Commission that the Finance Committee of the Board of Supervisors had continued this matter for two weeks and that until the Board of Supervisors had acted on the proposal and had spelled out completely what was involved in it, there could be no final certification of an Environmental Impact Report by the Planning Commission. He recommended that the item be put over to November 21, 1976, at 2:30 for further consideration. It was moved by Commissioner Finn, seconded by Commissioner Bierman and unanimously approved to continue this matter to November 21, 1976 at 2:30 p.m.

R76.27 - MASTER PLAN REVIEW OF THE 1977 COMMUNITY DEVELOP-
MENT PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT.

Mr. Steele said that this item was to be taken together with the previous item and he recommended that it, too, be put over to November 21, 1976, at 2:30 p.m. to follow the previous item.

It was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that this item be put over to November 21, 1976, at 2:30 p.m. to follow the previous item.

RECONSIDERATION OF RESOLUTION NO. 7552 ADOPTED
ON SEPTEMBER 2, 1976, RECOMMENDING MODIFICATION
OR REMOVAL OF TRAFFIC BARRIERS IN THE INNER RICH-
MOND DISTRICT.

John J. Doyle, attorney and representative of several residents of the Richmond District concerned with the barriers on Geary Boulevard, addressed the Commission and thanked them for putting this matter over one month. He said that he had been engaged in a trial during September and had been unable to attend the previous meeting of the Commission on this matter. He said that during the July 27, 1976, meeting at Zion Lutheran Church in the Richmond District, there were an estimated 600 to 1100 people and that the Commission at that time had requested a vote of those in attendance opposed to the barriers.

President Lau responded that during the meeting in July he had made it clear to those in attendance that the Planning Commission had gone to the Richmond District to find out the feeling of the community about the barriers and to transmit a recommendation based on that investigation to the Department of Public Works and the Board of Supervisors. President Lau said that that is what the Commission had set out to do and that is in fact what it had done both orally and in writing.

Mr. Doyle said that during the July meeting no vote had been taken of those in favor of the barriers and thus a confusion had been caused. He indicated that had a vote been taken very few would have been in support of the barriers. He requested that the Resolution No. 7552 passed by the Planning Commission during September be amended as far as Paragraph 7 went to delete the word "modification." Mr. Doyle asked the Commission what it had meant by using the word "modification." It was his feeling that the resolution was confusing in that it did not state that removal of the barriers was recommended.

Mr. Doyle submitted an editorial given by Mr. Myron Tatarian, Director of Public Works, on Channel 7 television the night of October 7, 1976, which indicated that 80 percent of the residents responding to a questionnaire sent out by Public Works had indicated they wished complete removal of the barriers. Mr. Doyle reiterated that he felt leaving the word "modification" in the Planning Commission resolution would lead to confusion on the part of the Board of Supervisors.

Rai Y. Okamoto, Director of Planning, responded by reviewing the meeting of July 22 and noting that he had taken notes at that meeting and in fact some members of the audience that night were in favor of allowing at least some of the barriers to remain in place. President Lau added that he had asked only for a show of hands of opposition to the barriers that night, and Mr. Doyle again said that no one had asked for an indication of those in favor of the barriers that night.

Mr. Okamoto said that in his opinion Mr. Tatarian's statement had been prepared before all of the ballots or survey questionnaires had come in. Mr. Okamoto went on to say that the resolution adopted by the Planning Commission in September had been generated with the participation of Mr. Tatarian and the Department of Public Works and was responsive to the concerns of the Traffic Engineering staff. He said that it would be far more confusing to rescind or modify the resolution as it was adopted, than to change it at this time. He added that the resolution adopted by the Planning Commission in September stated clearly its position at that time based on the best information then available, and that it is unnecessary to change it.

Commissioner Finn pointed out to Mr. Doyle that he knew of a petition by some residents of the Richmond area who wanted modification of barriers and not total removal. Mr. Finn noted that a majority appeared to be against the barriers in the Richmond area. He said that he took personal responsibility as a member of the former Planning Commission for delegating much of the barrier planning to a neighborhood group which did not reflect the feelings of many of the residents in the area. He said the resolution adopted by the Planning Commission during September was not intended to negate the position of Mr. Doyle and those residents wishing total removal, but he thought it only fair that the views of those who wanted modification of the barriers, especially along Ninth Avenue, be entitled to be represented also. Mr. Doyle responded that he appreciated those comments but wanted total elimination of the barriers. He said that in his opinion the Planning Commission should represent a majority of the people and that there was no question that most of the people wanted removal. Mr. Finn responded that he felt the 600 people that had been against the barriers in attendance at the meeting did not necessarily represent a majority of those living in the Inner Richmond area.

Commissioner Bierman said that the Commission was asked to look into the matter and held the hearing in good faith and that she felt the Commission was trying to the best way possible to get action to undo mistakes that had been made. She said there would probably be further action at a later date. She added that she hoped the resolution already adopted as well as letters and phone calls from the Department of City Planning would be of help. Mr. Doyle responded that he didn't care how much money was spent so that there was total removal as soon as possible. Mr. Doyle said that he frankly was tired of the Planning Commission, the Department of Public Works and the Board of Supervisors and that he felt somebody had to answer the question of removal as soon as possible.

President Lau said that democratic principles had to be used in this case and that while there may be only 19 people in the area of Ninth Avenue who wish to retain some of the barriers in their area, that those people were entitled to their day in court.

Ed Lawson, of 469 - 4th Avenue, rose and addressed the Commission. He said that he felt the situation was worse now than it had been before. He said there was a feeling of outrage that the Planning Commission could think of merely modifying the barriers. He said that the DPW survey had indicated that 80 percent of the respondents wished total removal, 9 percent wished the barriers to be kept on a trial basis, and 9 percent wished to keep them permanently. He said in his opinion the Commission should not listen to a small group of people but should respond to the majority of the residents of the area.

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President Lau responded by asking how does one draw the line in such a case. Mr. Lawson said that he felt the word "modification" should not be kept in the resolution to accommodate only 19 people. He said he urged the Supervisors to remove the barriers entirely at the earliest possible time because he says he felt they were a cause of accidents and that the Commission's resolution caused confusion with its choice of language. Mr. Okamoto responded by saying it would be professionally irresponsible if the Planning Commission and Department were to assume the role of traffic engineers. He said the traffic engineering staff of the Department of Public Works was primarily concerned with matters of safety as far as the barriers go. He said it would be irresponsible to rescind the resolution adopted with their participation during September and that the position adopted by the Commission during September was responsible and continued to be the most responsible position for the Commission to take.

Edith Headland, a resident of the Richmond District, addressed the Commission and said that in her opinion the barriers were dangerous and made people angry. She said she had made a right turn on Funston and went over a barrier. In her opinion, she said, they were not adding to safety but were doing just the opposite by causing accidents and close calls. She asked that the Commissioners listen to those who have to live with the barriers.

Commissioner Finn asked if there was a written recommendation of Myron Tatarian to the Board of Supervisors regarding the barriers. Mr. Okamoto responded that Mr. Tatarian had made only a report on the survey and otherwise had not given any written recommendation to the supervisors. The Director said the best policy would be to wait to see what happened at the Board of Supervisor's hearing on October 14.

Charlotte Elam addressed the Commission and said that she had made an analysis of the proponents of the barriers plan and that it appeared that a 29-member committee of the Planning Association for the Richmond had done the basic planning work on this matter. She said of those members none who were residents of the Richmond had barriers in front of their homes or on their blocks. She said she felt the group had planned for others but not for themselves and that nine of the 29 members of the Committee lived on 9th Avenue. She said in her opinion Balboa Street was the most dangerous of all the streets with barriers. President Lau responded that the Commission was not supporting the barriers and he wished that the audience understand clearly that fact.

Ms. Lou Bernhardt came forward and submitted to the Commission copies of a letter with addendum that had been sent to the Board of Supervisors on Monday, October 4, for distribution to the members of the Commission.

Commissioner Bierman moved that the Commission reaffirm its Resolution No. 7552. Commissioner Starbuck seconded. Commissioner Bierman said that in the future the Commission might adopt another resolution on the matter, but at this time it should stick to the position it took in September. Commissioner Finn said he was concerned with the construction and the comments of the community. He said he was not in favor of any of the barriers on transit streets especially. He said he would vote against reaffirming the position taken by the Commission in September. He said in his opinion if the barriers had been done well that they might have been successful and that he understood clearly the staff position in regard to the traffic engineering staff of the Department of Public Works.

Commissioner Dearman asked when the Board of Supervisors would act on this matter. Mr. Okamoto responded that they would have a committee hearing on the matter on October 14. Commissioner Dearman asked whether it was necessary for the Planning Commission to give a written recommendation in the form of a resolution. The Director of Planning responded that the Department of Public Works was not a policy-making body as was the City Planning Commission, and that the Department of Public Works was merely an operating agency.

Commissioner Bierman withdrew her motion. Commissioner Finn moved that a new resolution be adopted without the word "modification" in it. This motion failed for lack of a second.

The Director of Planning said that he would be discussing during the week this matter with Myron Tatarian, Director of Public Works and that he would report back to the Commission on the matter.

President Lau said that the Commission's role had been that of a fact-finding body which had transmitted its recommendation to the Board of Supervisors. He said he felt that the Commission had probably done more than had been necessary. Commissioner Bierman said that she felt there had been some developments since the resolution that had been adopted by the Commission, such as the poll showing overwhelming disapproval of them by residents of the area. She said that she would like it if the Director of Planning would have further talks with Mr. Tatarian and that she felt basically the wording in their original resolution had been wrong and that eventually she would like a new position to be taken by the Commission.

Commissioner Finn moved that the matter be put over for one week to determine a new position based on talks between Mr. Okamoto and Mr. Tatarian. This motion died for lack of a second.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Robert H. Feldman
Acting Secretary

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— SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 14, 1976.

The City Planning Commission met pursuant to notice on Thursday, October 14, 1976, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, Vice-President; Thomas Mellon, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V-Zoning (Assistant Zoning Administrator); Wayne Rieke, Planner IV; Alec Bash, City Planning Coordinator; Nat Taylor, City Planning Coordinator; Robert Feldman, Planner III; Ralph Gigliello, Planner II; Douglas Holmen, Planner II; and Marie Zeller, Acting Secretary.

Donald Canter represented the San Francisco Examiner and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that the minutes of the Special Meeting of September 23, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, announced an Implementation Committee Meeting to be held Tuesday, October 26, 1976, at noon in the Department of City Planning at 100 Larkin Street.

The Director reported on the two-day weekend work session which had been held with staff members on Saturday and Sunday, October 9 and 10, 1976.

The Director alerted the City Planning Commission of the possibility of holding two special meetings: one on November 9, 1976, to hear the Upper Ashbury EIR; and another on November 23, 1976, to hear the EIR on an office building on Clay and Sansome.

Following a brief report on Proposition Q by the Director, it was decided to calendar a hearing on the matter at the next regular meeting of the City Planning Commission.

Responding to a question from Commissioner Starbuck regarding the departmental budget, the Director explained possible alternatives for absorbing proposed budget cuts.

CONSIDERATION OF DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO APPLY FOR AND ACCEPT A GRANT OF \$20,000 FROM THE NATIONAL ENDOWMENT FOR THE ARTS TO PROVIDE CONSULTING ASSISTANCE AND EXPERTISE TO THE DEPARTMENT'S ON-GOING ANALYSIS OF THE CITYWIDE ARCHITECTURAL INVENTORY.

Rai Y. Okamoto, Director of Planning, indicated that both this application and the following one under consideration were applications to the National Endowment for the Arts. He explained that the first one was for a survey for a follow-up analysis of the Citywide Architectural Inventory which had been started earlier. He indicated that the second one under consideration would provide a great deal of assistance for Residential Zoning Study.

After brief discussion on the two resolutions, it was moved by Commissioner Bierman, seconded by Commissioner Finn and unanimously approved to adopt Resolution No. 7574 authorizing the Director to apply for and accept a grant of \$20,000 from the National Endowment for the Arts.

CONSIDERATION OF DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO APPLY FOR AND ACCEPT A GRANT OF \$16,999 FROM THE NATIONAL ENDOWMENT FOR THE ARTS TO CONTINUE THE COLLABORATIVE RELATIONSHIP BETWEEN THE SAN FRANCISCO DEPARTMENT OF CITY PLANNING AND THE UNIVERSITY OF CALIFORNIA'S DEPARTMENT OF ARCHITECTURE IN PREPARING ILLUSTRATIVE CASE STUDIES FOR SAN FRANCISCO ZONING AND PLANNING PROPOSALS.

After a very brief discussion, it was moved by Commissioner Dearman, and seconded by Commissioner Finn, and Resolution No. 7575 was unanimously passed to provide for this authorization.

2:00 P.M.

CU76.21 - 799 PHELPS STREET, NORTH CORNER OF INNES AVENUE.

REQUEST FOR AUTHORIZATION FOR AN AUTOMOBILE WRECKING OPERATION WITH ACCESSORY COMMERCIAL OFFICES; IN AN M-1 DISTRICT. (EE75.27)
(Continued from meeting of October 7, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), reminded the Commission that they had asked the previous week that Mr. Archie Briggs, the attorney for the applicant, get together with the staff. Mr. Steele indicated that Mr. Briggs had not contacted the Department of City Planning and that the Department had attempted several times to contact him. The Department finally did contact him that morning, and he had indicated that he would call right back, but he never did. Mr. Steele concluded that the Commission stood at the same point that it had last week, to consider an on-going violation of the Planning Code. He added that the recommendation of the Director to turn down the application would still stand.

Mr. Tony Citrino, applicant and operator of the existing auto wrecking operation on the site, indicated that Mr. Rieke had called him at 5:15 p.m. the night before and told him to contact Mr. Briggs, but he could not contact him until the morning. He therefore felt that there was nothing more to do than to ask for a postponement.

Mr. Steele stated that the Department staff had met with Mr. Harold Brooks who lived in the community and discussed the matter with him, but that he did not appear to be in the Commission room.

Commissioner Starbuck observed that everyone had reached the conclusion last week that this meeting would be the last hearing on the subject application.

Mr. Steele said that there had been an apparent misunderstanding and that Mr. Briggs had thought the meeting would be at 2:30 p.m. At this point, President Lau indicated that he would hold the meeting open until 2:45 p.m.

A woman from the audience stood and indicated that this was the third time that she and her friend had come down for such a meeting; they had taken their lunch break to do it; and they had to get back to work. Therefore, President Lau said that he would hold this issue open until 2:30 p.m.

When the hour of 2:30 p.m. arrived, after a very short discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and unanimously passed to adopt Resolution No. 7576 denying the authorization for an automobile wrecking operation at 799 Phelps Street.

EE76.311 - PUBLIC HEARING ON AN APPEAL OF A NEGATIVE DECLARATION
(ENVIRONMENTAL REVIEW) ISSUED BY THE DEPARTMENT OF CITY
PLANNING FOR CONSTRUCTION OF A BUILDING WITH EIGHT DWELLING
UNITS AND COMMERCIAL SPACE AT 1000 VALENCIA STREET, SOUTH-
WEST CORNER OF 21st STREET.
(Continued from meeting of October 7, 1976.)

Douglas Holmen, Planner II, using land use maps and other graphic material, presented the proposal for a 8-unit apartment building consisting of two stories over parking commercial space. The rectangular parcel would have a frontage of 90 feet along 21st Street and 76 feet along Valencia Street for a total area of 6860 square feet. The zoning for the piece of property is C-2 (Community Business) district and it was proposed to be an R-C-1 (Combined Residential and Community Business) district. He noted that the present use was an abandoned gasoline station and that the applicant was M.T. Dotterweich. He indicated that an appeal letter had been received on November 4, 1976, from the 21st and Valencia Neighborhood Action Group, Chuck Lempert, Chairperson, stating concerns regarding a possible increase in parking congestion in the area, unsafe traffic conditions, and a possible adverse economic effect upon the area. Mr. Holmen advised the Commission that the staff felt that the proposed project was in conformity with the Master Plan.

The Commission then received testimony from Chuck Lempert, Laura Lempert, Elizabeth Eckert, James Freeman, and Mike Dotterweich.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that he could find no additional justification for requiring an Environmental Impact Report for the project and recommended upholding the Director's recommendation of a Negative Declaration for the project.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman, and passed by a vote of 4 to 1 to adopt Resolution No. 7577, upholding the Director's recommendation that no EIR would be required. Commissioners Bierman, Finn, Lau and Starbuck voted "Aye"; Commissioner Dearman voted "No".

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

DR76.29 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 463209 FOR THE CONSTRUCTION OF A BUILDING WITH EIGHT DWELLING UNITS AND COMMERCIAL SPACE AT 1000 VALENCIA STREET, SOUTHWEST CORNER OF 21ST STREET; IN A C-2 DISTRICT.
(Continued from meeting of October 7, 1976.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), indicated that the Director recommended no Discretionary Review for this project.

Commissioner Bierman moved for a Discretionary Review, explaining that she needed to hear more about the project, and was hopeful that the developer and the residents could work more together. She did indicate, however, the developer does have a right to develop.

Chuck Lempert, a resident of the area, suggested that the matter either be tabled and/or a study be initiated regarding the traffic problems of the area.

Rai Y. Okamoto, Director of Planning, indicated that the Discretionary Review power should be exercised in extraordinary circumstances. He indicated that there were practical limitations in undertaking these kinds of traffic studies, and that it would not be a good idea since the Mission Planning Council had already undertaken a study of the area, and that the Valencia Street commercial area would be part of that study.

Commissioner Bierman said that she felt that the Commission could not ask for that kind of study.

President Lau pointed out that this is the kind of issue where nobody gets exactly what he wants; the neighborhood has equities, and the developer has equities, and some compromise must be reached.

Commissioner Bierman withdrew her motion to have a Discretionary Review.

President Lau asked the developer if he would have one more meeting with the residents in an attempt to come to some sort of an equitable agreement.

Mike Dotterweich, applicant and general contractor of the project said that the neighborhood does not want commercial of any sort on that lot, and that there had been so many meetings already that he doubted that another one would be effective.

Commissioner Starbuck indicated that perhaps the residents of the area could write to Mr. Dotterweich indicating what type of commercial they would accept in the area.

After discussion between Mr. Dotterweich and Mr. Lempert, it was decided that they would attempt to meet in the next week.

As a consequence, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously to put the matter over for one week until the regular meeting of the City Planning Commission on October 21, at 2:15 p.m.

At this point in the proceedings President Lau called a 10-minute recess at 3:30 p.m. At 3:40 p.m. the Commission reconvened and continued with the agenda of the meeting.

R76.26 - PURCHASE OF BUILDING AT 2868 MISSION STREET FOR MISSION
COMMUNITY CULTURAL CENTER.

Ralph Gigliello, Planner II, described the property at 2868 Mission Street, indicating that the Director of Property had referred it to the Department of City Planning as to conformity with the Master Plan. The proposal was to use the building as a Community Cultural Center for artistic cultural activities of the Neighborhood Arts Program of the Art Commission. He explained that the property was on the westside of Mission, between 24th and 25th Streets, and that the building would be used for art, dance and drama programs with a maximum load at anyone time of 100 people.

Mr. Gigliello indicated that the Director be authorized to report that the acquisition of 2868 Mission, Lot 7 in Assessor's Block 6516, for use as a Community Cultural Center, was in conformity with the Master Plan, provided that the Art Commission give consideration to conducting a noise analysis to determine the externally generated noise level experienced inside the subject building, in order to analyse the degree to which this would interfere with the proposed activity, and to determine insulation or other features which could then be designed to reduce the interference.

Ray Taliaferro, a member of the Art Commission, said that he hoped that the City Planning Commission would agree that this proposal was in conformity with the Master Plan. He indicated that the Mission acquisition was one of the finest acquisitions in the entire community cultural facility program.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the purchase of the property at 2868 Mission Street for a Community Cultural Center was in conformity with the Master Plan.

EE76.74 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR STONESTOWN SHOPPING CENTER RENOVATION PROJECT, FOR CERTIFICATION OF REPORT AS FINAL.

Ralph Gigliello, Planner II, pointed out that there were three distinct action before the Commission regarding the Stonestown Shopping Center: first, the certification of the Environmental Impact Report; second, Conditional Use Authorization for the parking garage and the department store; and third, a Referral on the pedestrian bridge.

Mr. Gigliello then described the Environmental Impact Report, commenting on various aspects of its impact, mitigating measures, various policies, and alternatives.

Testimony on this issue was received from A. R. Roderick, Executive Secretary of TEKA; Robert Covington, Co-Chairman of the Federation of Ingleside; and Art Schumacher of the Stonestown Development Corporation.

It was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and passed 4 to 0 to excuse Commissioner Dearman from voting on this issue because of a potential conflict of interest. Commissioner Dearman then left the Commission room.

It was then moved by Commissioner Finn, seconded by Commissioner Bierman, and passed by 4 to 0 to adopt Resolution No. 7578, certifying the EIR on the Stonestown Shopping Center as complete.

A standard tape-cassette recording of the proceedings is available in the file of the Department of City Planning for public listening and transcription.

R76.22 - VACATION OF AIR SPACE OVER WINSTON DRIVE FOR PEDESTRIAN OVERPASS AT STONESTOWN SHOPPING CENTER.

Ralph Gigliello, Planner II, presented this item by indicating a list of criteria showing favorable conditions for release of a street area, among which was one which would allow for permitting a small-scale pedestrian crossing which he said would be consistent with the principles and the policies of the Urban Design Plan. He added that the proposed bridge would have a minimal visual impact, would produce no obstruction to normal street activities, and would have very slight shadowing effect. Accordingly, he pointed out that the proposal would be consistent with the Conservation Policy 9 of the Urban Design Element.

Mr. Gigliello also indicated that Conservation Policy 10 of the Urban Design Element stated that the release of street area should be permitted only in the least extensive and least permanent manner appropriate to the case; a revocable encroachment permit would be less permanent than a vacation.

He also indicated that since the City's air rights over Winston Drive have financial value, it would seem desirable for the City to negotiate with the applicant on the question of a charge for the use of those rights.

At the end of this presentation, Rai Y. Okamoto, Director of Planning, recommended that he be authorized to report that the granting of a revocable encroachment permit or lease of air rights, rather than a vacation, for a pedestrian bridge over Winston Drive was in conformity with the Master Plan, provided that the exterior walls of the pedestrian bridge be glazed with clear (untinted) glass. He further recommended that he be authorized to suggest that the Director of Property investigate the possibility of a charge for the use of these air rights.

Commissioner Starbuck wondered whether the Department had ever considered a real pedestrian over-pass as an alternative in this project. Mr. Gigliello responded that in order to be competitive, the developer felt that the mall should be covered, and that the bridge was originally planned as a larger structure.

Commissioner Bierman, with respect to the question on money for air space, asked just how that would be done. Mr. Okamoto responded that this was not the City Planning Commission's concern, that it should be negotiated by the Department of Property, and that the Department would be asking the Commission to have the Department recommend a revocable permit rather than a vacation.

Commissioner Bierman then observed that those who have watched the Stonestown project have noted that the City of Paris failed, and in fact, that whole end of Stonestown had failed, and that in this time of economic problems, this project would be a big chance to make both ends of the shopping center viable. Mr. Passmore indicated that the Commission could do a vacation if they wished; Commissioner Bierman responded that a revocable permit was OK with her.

At this point, Mr. Passmore suggested taking all three of the items dealing with the Stonestown development together before voting individually on each of them. He therefore read CU76.32 and CU76.31.

CU76.32 - WINSTON DRIVE, SOUTH SIDE 555 FEET WEST OF 19TH AVENUE IN STONESTOWN SHOPPING CENTER.
REQUEST FOR AUTHORIZATION TO CONSTRUCT A 3-LEVEL 180,000 SQUARE FEET DEPARTMENT STORE; TO ENCLOSE THE EXISTING MALL AREA FROM WINSTON DRIVE TO THE EMPORIUM STORE AND TO CONSTRUCT A PEDESTRIAN BRIDGE FROM THE NEW STORE OVER WINSTON DRIVE TO CONNECT WITH THE MAIN MALL AREA, AS A MODIFICATION OF PRIOR STIPULATIONS.

CU76.31 - WINSTON DRIVE, SOUTH SIDE 795 FEET WEST OF 19TH AVENUE IN STONESTOWN SHOPPING CENTER.
REQUEST FOR AUTHORIZATION TO CONSTRUCT A FIVE LEVEL 640 SPACE PARKING STRUCTURE AS A MODIFICATION OF PRIOR STIPULATIONS.

Robert Passmore, Planner V-Zoning (Assistant Zoning Administrator), presented the Stonestown Shopping Center Renovation Project, which would involve demolishing

the vacant City of Paris Stonestown Building and constructing a Bullock's Department Store containing about 172,000 gross square feet and an adjacent 670 space parking garage. He indicated that a pedestrian over-pass over Winston Drive of about 90 feet wide would connect the store with the 41,000 square foot Stonestown Mall, which would be enclosed and air conditioned. Some store-fronts in the mall would be moved to provide about 9,000 square feet of additional retail space.

Bill Mackie, attorney for Bullocks, questioned what was meant by a revocable permit as opposed to a vacation and sale. He indicated that the developer was not interested in acquiring a permanent piece of the City's air, but the bridge was an attractor and certainly they would not want to have those rights taken away from them.

Rai Y. Okamoto, Director of Planning, explained the concept of amortization indicating that a figure could be determined and some conditions could be placed on it that would satisfy the developer.

Mr. Mackie felt that it would be a good idea to insure their rights until the building comes down, but he expressed some insecurity about the meaning of the word "revocable." He did agree that it seemed reasonable that when the building comes down, the air rights could revert to the City.

Mr. Passmore pointed out that air rights were an effective lease.

Commissioner Finn asked whether the developers were going to lease the rest of the property; and if that were the case, why should they object to leasing air space.

Mr. Okamoto indicated that he was somewhat worried about dictating to the Director of Property just how much the air was worth. He recommended that the permit be a revocable one rather than a permanent one because sometime in the future it might be desirable to restore the air rights to the City.

Mr. Gigliello indicated the Master Plan recommends that, in the case of air rights, the least permanent way is desired; therefore, the revocable permit would be preferable, since it is less permanent than a vacation.

Mr. Okamoto did point out that the view blockage issue was relatively minor compared to the overall project. Additionally, he pointed out that technically that this was merely a referral, and that the Commission could tell him to say anything, including all the comments that were made at today's hearing.

Mr. Mackie indicated that his group was working with the Real Estate Department on the economics of the situation.

Commissioner Bierman was concerned about pedestrians crossing on Winston Drive. Mr. Passmore indicated that traffic must get across and a great deal of congestion would be caused if a signal were at that point. Mr. Gigliello added that a pedestrian-activated signal was considered, but abandoned because it was felt that the overpass would absorb the additional pedestrian traffic on the street.

Commissioner Bierman thought that perhaps people going to the Market might be using the street, anyway. Mr. Passmore responded that a traffic signal could be added later if the need arose, but it probably should not be added now since there was no proof it was needed.

President Lau asked how many in the audience who were there were in favor of the project. Approximately 22 to 25 people raised their hands. He then asked how many people were opposed to the project. Three people raised their hands.

A. R. Roderick, a representative of the Tides-End Community Association (TEKA), thought that the traffic light issue was an important one, and that to quote Donald Taylor was not enough of a validation for traffic validity studies. He felt that it should be on the record that there was no record of the traffic situation. Mr. Passmore responded that the traffic situation had been reviewed by Captain Donald Taylor.

The Chairman of the Board of Directors of Bullocks, Paul Heidrich, indicated that an affirmative action program had been put forward by the developers, but since representatives from the community with whom they had been talking were in the audience, he felt that it would be better for them to speak to that issue.

Veronica Hunnicutt, Chairman of the Neighborhood Affirmative Action Committee for Oceanview-Merced-Ingleside Community Association, submitted a letter dated October 8, 1976, from Swinerton & Wallberg Co., signed by Milo S. Gates, and a letter dated October 13, 1976, from Bullocks, signed by B. Paul Heidrich, and indicated that these letters to OMI regarding job opportunities were quite satisfactory, and that in fact, these organizations had done more than the OMI organization had anticipated. She submitted the letters to the Commission.

Roy B. Jackson, President of the OMI Community Association, also presented letters of endorsement from the Ingleside Terraces Home Association and from the Balboa Terrace Homes Association in which these two organizations indicated their support for the proposed Bullocks in the Stonestown Shopping Center.

Commissioner Bierman was still concerned about the traffic on Winston Drive, and how much there would be of it.

Pat Gibson, of Barton-Aschman Associates, indicated that he had written the traffic portion of the EIR and that a number of alternatives had been considered for getting people over the street. He said that he felt that the best way was the overpass connected by an escalator. He also pointed out that it was possible to put up too many traffic lights, and maybe that is why there is a problem with the Department of Public Works.

Commissioner Finn indicated that he would like a further explanation of the stairway. It was explained to him that the escalator would carry people up to a second floor overpass.

Commissioner Starbuck was concerned about the parking garage. He noted that the proposal would increase the number of parking spaces from 340 to 640. He said that he assumed that was so that people would only have to walk 250 feet, that this proposal complies with current parking standards, and he wondered why that anyone would want to build a parking structure when on only eight days of the year had the capacity of the 300 space lot been filled to more than 70%. He surmised that it might be for aesthetic reasons.

The answer was supplied by Paul Heidrick, Chairman of Bullocks, who said that the capacity for a parking garage is never 100%.

Mr. Gigliello explained that the proposal called for four spaces per 1000 square feet, and that the standard was five spaces per 1000 square feet. Based on calculations of the projected increases in sales, and the accompanying increase in people, this estimate was probably very conservative. The hope was to attract new customers, and that 70% of parking spaces filled is considered capacity by the trade.

Commissioner Starbuck indicated that explanation was OK, but he felt that too much emphasis was placed on marketing strategy and not enough on planning.

Commissioner Starbuck then asked how the new Bullocks Department Store would benefit from the enclosure of the mall. He wondered if this was related to the weather.

Arthur Schumacher responded that the enclosure of the mall was the embodiment of a new concept in shopping. This shopping center was not in competition with downtown San Francisco; it was competing with other major shopping centers, especially those in San Mateo. The concept of the covered mall was that it was to make it easier to shop in inclement weather.

Commissioner Starbuck then noted that there was not one energy conservation mitigating measure in the whole project, and wondered if there could be just a roof -- why also have air-conditioning? Mr. Schumacher replied that the modern shopper wants a completely enclosed shopping area, and the studies have shown that. He also indicated that he had canvassed tenants along the mall area and that 100% of them were willing to contribute to defray the cost.

Mr. Passmore recommended adoption of all three items, the referral and the two conditional uses.

On the referral, R76.2, it was moved by Commissioner Finn, seconded by Commissioner Bierman, and passed 3 to 1 that the granting of a revocable encroachment permit or lease of air rights, rather than a vacation, for a pedestrian bridge over Winston Drive is in conformity with the Master Plan. Commissioners Bierman, Finn, and Lau voted "aye"; Commissioner Starbuck voted "no".

Regarding CU76.32, the conditional use for authorization to construct a three-level 180,000 square foot department store, and to enclose the existing mall area from Winston Drive to the Emporium Store, and to construct a pedestrian bridge from the new store over Winston Drive, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and passed 3 to 1 to adopt Resolution No. 7579, authorizing that the conditional use is authorized in accordance with standards specified in the City Planning Code and subject to four specific conditions.

Regarding CU76.31, requesting authorization to construct a five-level, 640 space parking structure, it was moved by Commissioner Finn, seconded by Commissioner Bierman, and passed 3 to 1 to adopt Resolution No. 7580, authorizing the conditional use in accordance with standards specified in the City Planning Code and subject to one specific condition.

In all of these votes Commissioners Bierman, Finn and Lau voted "Aye"; Commissioner Starbuck voted "No".

At this point in the proceedings, a 20-minute break was taken, which lasted from 5:00 p.m. to 5:20 p.m. Commissioner Dearman returned to the Commission room and resumed her seat at the Commission table.

**EE-EF75.241 - PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
AND STATEMENT FOR THE PROPOSED REHABILITATION ASSISTANCE
PROGRAM (RAP) FOR THE UPPER ASHBURY DISTRICT.**

Nat Taylor, City Planning Coordinator, explained that this hearing was a continuation of a public hearing held September 21, 1976.

There were four speakers who spoke on this issue: Anna N. Guth, Gloria Vollemeyer, Joanne Wilson, and Leonard E. Symrosky, Jr.

A court reporter was present in the Commission room and will provide a verbatim transcription of the proceedings.

**DR76.32 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NO. 453344 FOR THE CONSTRUCTION OF A 63-UNIT
APARTMENT COMPLEX AT 2120 STOCKTON STREET.**

Ralph Gigliello, Planner II, described the project, indicating that the Department had determined on October 1, 1976, that the project could not have a significant effect on the environment. He presented a chronology of the review activities with regard to the project and indicated that there had been various meetings with the architect/developer, the interested neighborhood organizations, and the staff. He indicated that a letter received from Bruce Lilienthal representing the Francisco/Midway Street Neighbors, had requested that Discretionary Review be taken on this project,

Robert Passmore, Planner V-Zoning (Assistant Zoning Administrator), recommended that there should be no Discretionary Review, based on the fact that the developer had attempted to redesign his project along lines suggested by the staff.

President Lau asked whether there were anyone in the audience to speak in opposition to the project. Approximately 10 people raised their hands.

Ann Halstead, of Telegraph Hill Dwellers, presented a letter to the Commission, and indicated that the whole project and the Telegraph Hill Dwellers' view of it, was a comedy of errors. She said that the Telegraph Hill Dwellers felt that Discretionary Review was necessary and warranted because of the following: (a) If considered as one parcel, any new development would be subject to Discretionary Review; to arbitrarily divide the lot into two parcels which would be simultaneously constructed and related structures would not lessen the impact on the neighborhood; (b) Questioning the proposed zoning of the property, particularly that fronting on Midway, and submit that the existing, now abandoned structure has served as an effective barrier, protecting the less dense, one to three unit family dwellings on Francisco Street from the further encroachment of higher density, multiple-unit apartment houses and commercial development on Bay Street; and (c) The impact on the neighborhood of other new projects along the Northern Waterfront, and in the nearby warehouse district and in Fishermen's Wharf is already great and is expected to worsen. She added that the organization did not understand until a few weeks ago that the supposed new zoning would only have allowed 28 units on that piece of property.

Bruce Lilienthal, President of the Franciscan Street/Midway Neighborhood, noted that in the chronology presented by Mr. Gigliello, every meeting that the staff attended was at the request of the architect. He said that the Commission should not be misled by the chronology. He indicated that the politics of it all were with numbers and he also pointed out that it was only at the very end that his group was told about the new zoning which would have allowed only 28 units.

Commissioner Starbuck asked Mr. Lilienthal to explain the density of the area. Mr. Lilienthal complied with this request. He added that the staff recommendation to the neighborhood group was to hold off objecting to EIR, and to wait for the Discretionary Review. He also felt that the area was the essence and the spirit of a neighborhood if he ever saw one.

It was then moved by Commissioner Bierman, seconded by Commissioner Dearman, and passed 5 to 0 to hear the Discretionary Review on October 21, 1976.

LM76.4 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE GIBB WAREHOUSE (PELICAN PAPER BUILDING), 901 FRONT STREET, AS A LANDMARK.

LM76.5 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE GIBB WAREHOUSE (TRINIDAD BEAN AND ELEVATOR COMPANY BUILDING), 855 FRONT STREET, AS A LANDMARK.

Robert Passmore, Planning V-Zoning (Assistant Zoning Administrator), described all four landmarks under consideration.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and passed 5 to 0 to adopt Resolution No. 7581, designating the Gibb Sanborn Warehouse (Pelican Paper Building), at 901 Front Street, as a landmark, and Resolution No. 7582 to designate the Gibb Sanborn Warehouse (Trinidad Bean and Elevator Company Building) at 855 Front Street as a landmark.

LM76.6 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE ITALIAN SWISS COLONY BUILDING, 1265 BATTERY STREET, AS A LANDMARK.

Mr. McKenzie, of Travelers Insurance, indicated that he had written a letter saying that he wanted to complete the planning on the project before landmark designation was given. He indicated that he was not necessarily against landmark status, and that the economics of the situation would govern it. He said that he has not applied for demolition permit and will not until the studies to be done are complete.

Rai Y. Okamoto, Director of Planning, indicated that Mr. Livingston, the planning consultant doing the EIR, could probably use this designation in his evaluation for the Environmental Impact Report he was writing.

Commissioner Finn moved for postponement of the issue until the studies were done. The motion failed for lack of a second.

Mr. McKenzie then indicated that it was reasonable to request a delay of at least six weeks until the cost study was done, and that Mr. Livingston indicated that he would be finished with the EIR on December 15.

It was then moved by Commissioner Bierman, seconded by Commissioner Dearman, and passed 5 to 0 to adopt Resolution No. 7583, designating the Italian-Swiss Colony Building at 1265 Battery Street as a landmark.

LM76.7 - PUBLIC HEARING ON A PROPOSAL TO DESIGNATE THE KOSHLAND HOUSE, 3800 WASHINGTON STREET, AS A LANDMARK.

Without discussion, it was moved by Commissioner Finn, seconded by Commissioner Bierman, and passed 5 to 0 to adopt Resolution No. 7584, designating Koshland House as a landmark.

EE76.298 - CONSIDERATION OF APPEAL OF NEGATIVE DECLARATION ISSUED SEPTEMBER 24, 1976, FOR THE CONSTRUCTION OF A 7-UNIT APARTMENT BUILDING AT 326-12TH AVENUE.

Alec Bash, City Planning Coordinator, described the proposal as a 7-unit apartment building consisting of two stories of parking with a 13-foot front setback and a 42-foot front rearyard. He indicated that there would be four three-bedroom and three two-bedroom units, and seven car parking stalls with one access driveway. An existing palm tree will be retained in the front setback, as will a Brazilian Pepper Tree in the sidewalk area.

Mr. Bash described the environmental setting and indicated that a negative declaration was issued on this project on September 24, 1976. Subsequently, an appeal letter on October 4, 1976, and was signed by Chrystal Anderlini, Richard Pursley, LaValle Pursley, and Christopher Pax, in which they stated that in conjunction with other new projects in the neighborhood, the subject project would significantly alter their environment, and that the issue had generated much controversy, and was a matter of great concern to the community.

President Lau asked whether there was anyone in the audience to oppose the project.

Christopher Pax, 326-12th Avenue, indicated that he had signed the appeal letter and that he lives in the neighborhood. He pointed out that the traffic and parking problems and the building itself would box in the street and also that the palm tree would suffer and therefore the project would have an adverse impact. He said that, with the assistance of the Planning Association for the Richmond (PAR), that a full EIR should be requested.

Commissioner Starbuck asked what other projects are being proposed in the area. Mr. Pax responded, giving specific locations of a number of other projects which were being proposed and being built in the area.

Commissioner Bierman wondered whether the existing structures could be given landmark status, noting that the date they built was 1899.

Richard Pursley, a signator of the letter, indicated that the area was essentially a family area, and apartment dwellers are usually not families.

Walter Gray, 325-12th Avenue, indicated that he lived next door to the subject property and that all the houses on that street were currently family houses.

Chrystal Anderlini, indicated that the place was "pretty historic" in that Robert Lewis Stevenson had stayed in one of the structures. She said that parking was awful and that what with bars and restaurants and their clientele, homeowners were being pushed out.

President Lau asked how many people were in the audience in opposition to this project. Approximately 10 to 15 people raised their hands.

John Ng, representing the Ng family, residing at 321-12th Avenue, said that he felt that the project would create more vandalism.

President Lau then asked if the developer was present in the audience. Dickson Lau, representing the owner, came forward to say that the project would be built on a lot of R-3 zoning, but actually the parcel involved was two lots. He did not feel that this was too many units per lot and wondered how the person who lived next door could enjoy the view of the structure of which seemed to him to be an old house.

He indicated that the structures were firetraps and that there was no way to escape from the lot should there be a fire. The side window from which the man who likes the view can see the palm tree, is illegal in any case. Regarding the traffic issue, Mr. Lau thought that there would be no problem because the apartment house would have the exact amount of spaces for parking that is designated in the Planning Code.

It was moved by Commissioner Bierman, seconded by Commissioner Finn, and passed 4 to 0 to allow President Lau not to vote since his firm has had some dealings with the developer in the past.

It was then moved by Commissioner Finn, seconded by Commissioner Bierman, and passed 4 to 0 to sustain the Negative Declaration, issued September 24, 1976, for the construction of a 7-unit apartment building at 326-12th Avenue.

DR76.30 - REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459558 FOR APARTMENTS AT 326-12th AVENUE UNLESS ABOVE APPEAL RESULTS IN DETERMINATION THAT AN EIR IS REQUIRED.

Robert Passmore, Planner V (Zoning), Assistant Zoning Administrator, recommended that a Discretionary Review not be held on this project.

It was moved by Commissioner Dearman to have Discretionary Review.

Mr. Passmore indicated that to have Discretionary Review on this project would exceed the power of the City Planning Commission.

Commissioner Bierman wondered whether the landmarks staff could check out the advisability of having the existing structure classified as a landmark.

Rai Y. Okamoto, Director of Planning, said that he recognized the economic problems of the owner, and that a landmark designation would not be necessary to answer that issue.

Commissioner Bierman recalled that there was interest in buying the piece of property.

Commissioner Finn stated that he was going to support the Director's recommendation of no Discretionary Review.

President Lau then indicated that the Commission had to face this kind of problem every week. He suggested that the neighborhood and the developer get together to try and work out a compromise solution; he allowed that no one is ever totally happy with a compromise situation. It was suggested by Commissioner Bierman that perhaps the interested neighborhood parties could get together with the Landmarks Preservation Advisory Board and the staff to investigate the possibility of designation.

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Since Commissioner Dearman had already moved to have Discretionary Review, Commissioner Biérman seconded it and it was passed 3 to 1 to have Discretionary Review the following week. Commissioner Finn voted "No".

In a follow-up conversation on the issue, Commissioner Bierman recommended that the neighborhood could put much of the information together for the Landmarks Preservation Advisory Board, and have PAR follow up if in fact there was a potential buyer for the property.

Mr. Okamoto indicated that there would be a report on the progress of this issue by next week's meeting.

The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Marie Zeller
Acting Secretary

1-76
SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 21, 1976, at 2:15 p.m. in Room 282, City Hall.

The City Planning Commission met pursuant to notice on Thursday, October 21, 1976, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Melion, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Alan Lubliner, Planning Coordinator; Moira So, Planning Coordinator; David Fulton, Planner II; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; and Marie Zeller, Acting Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that the minutes of the Regular Meeting of August 26, 1976, be approved as corrected.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Finance Committee of the Board of Supervisors, in considering the Community Development budget, was attempting to cut the entire budget 15 percent across-the-board. Recommendations related to the Department of City Planning were the deletion of the Protected Residential Areas (PRA) Implementation Program and the Residential Rehabilitation Assistance Implementation Program, and the reduction by 15 percent of the neighborhood Centers Program. There was no change recommended for the Bicentennial Neighborhood Initiated Improvement Program (NIIP).

The Director announced a meeting of the Implementation Committee of the Commission to be held October 26, 1976, at noon at the departmental office at 100 Larkin Street.

The Director reported that the Bureau of Permit Appeals had taken the following actions at its meeting the previous evening, October 20, 1976: Department of City Planning action was sustained on two projects; Department of City Planning order was upheld on an order to cease violation.

The Director noted that the Commission was given an ethnic population handout containing information requested by Commissioner Starbuck. An explanatory memo on the subject can be made available to the Commission if they wish.

The Director indicated that he would be appearing on a panel on the Urban Design Plan at the DeYoung Museum, Saturday, October 23, 1976, at 2:00 p.m.

Commissioner Starbuck requested the Director to address a letter to Supervisor Dianne Feinstein, on behalf of the Commission, informing her of the Special Meeting of the City Planning Commission on the billboard ordinance to be held next Thursday, October 28, 1976, at 7:30 p.m. in Room 282, City Hall, inviting her to attend so that the Commission might have the benefit of her testimony.

CONSIDERATION OF DRAFT RESOLUTION ENDORSING PROPOSITION Q REGARDING A POLICY STATEMENT THAT WOULD ALLOW PRIVATE SPONSORS AND DEVELOPERS IN SAN FRANCISCO TO RECEIVE LONG-TERM, LOW-INTEREST LOANS AND LOAN GUARANTEES FROM THE STATE TO ASSIST IN CONSTRUCTION OR REHABILITATION OF 3,000 UNITS OF LOW TO MODERATE INCOME HOUSING IN THE CITY.

Rai Y. Okamoto, Director of Planning, introduced Moira So, Planning Coordinator, who read a proposed resolution endorsing proposition Q.

Subsequently it was moved by Commissioner Bierman, seconded by Commissioner Mellon, and unanimously passed to adopt Resolution 7586 endorsing Proposition Q.

Commissioner Bierman requested that the Department cooperate with the press in dealing with Proposition Q.

DR76.30 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 459558 FOR APARTMENTS AT 326 - 12TH AVENUE.

The Acting Secretary read into the Minutes the following letter dated October 20, 1976, from Dicksen Lau regarding this item:

"On behalf of Mr. Chiai-Cheng Chi, I respectfully request you to postpone the public hearing for the subject matter to an appropriate date after February 1977."

Robert Passmore, Planner V (Zoning), explained that the Department had asked the Landmarks Board to evaluate the subject property with respect to potential landmark status. He introduced Mrs. G. Bland. Platt, President of the Landmarks Preservation Advisory Board, to describe the actions that the Landmarks Board had taken.

Mrs. Platt indicated that several members of the Landmarks Preservation Advisory Board had gone to look at the building on 12th Avenue. She passed around pictures describing the property. She indicated that a little research had been done on the subject property, which indicated that a man named Bergren had constructed the building around 1899, a date which was derived from Water Department records. She indicated that the Board felt that the building was not sufficiently

significant to warrant landmark designation, but if the matter were delayed, perhaps more research could be done since a building could be designated on its history alone. At this point in time, however, there was not sufficient historical reason to warrant designation.

Commissioner Starbuck asked about a former resident named Russ Wolden. Mrs. Platt indicated that the property had at one point been purchased by the parents of Wolden, but this was not felt to be adequate reason for landmark designation.

Arden Danekas, President of the Planning Association for the Richmond (PAR), indicated that he represented a bona fide buyer who was willing to present a bona fide offer to buy the property. The buyer would be willing to pay for the cost of the plans, and carrying charges, providing it was not \$600,000. He felt that the request before the Commission to put the issue off for awhile was probably a good idea, but there was a problem inherent in this suggestion, namely that the owner might go to the property in the dead of night and kick the tenants out so that he could knock down the building. Mr. Danekas did request scheduling a reconsideration of the EIR, feeling that a precedent had been set by virtue of a decision which said that if there were a substantial body of public opinion against a proposed project, that would warrant reconsideration.

Mr. Passmore reminded the Commission that in the previous Regular Meeting it had sustained the Department of City Planning's negative declaration on the project. He further indicated that this matter could not be reopened by the Commission. Mr. Danekas noted that his group might have to take the matter to court then.

Commissioner Bierman asked whether the Commission could provide any protection at all; she wondered whether the developer was bound to tear the building down by this action.

Mr. Passmore replied that unfortunately the Department of City Planning would have to approve a demolition permit, should one enter the Department. He indicated that the only thing which would delay the demolition of the building would be if the building were under active consideration as a landmark.

Mrs. Platt pointed out that the Landmarks Preservation Advisory Board could tell the Bureau of Building Inspection that it had the building under active consideration, but that the Landmarks staff was insufficient to do any thorough research at this time.

Mr. Passmore said that if any action were taken by the City Planning Commission, a resolution of intention was necessary. Mrs. Platt responded that there would then be a time problem, since the Landmarks Board must report back to the Commission on such a request within 30 days.

At this point in the proceedings, Rai Y. Okamoto, Director of Planning, asked what the status of the discussion between the potential buyer and the developer were. Mr. Danekas responded that nothing had been done yet since PAR had wanted to communicate with the Department of City Planning before going directly to the Commission.

Mr. Okamoto indicated that he felt getting the potential buyer together with with the potential seller was more crucial than the landmarks issue; and he felt that the Commission might find out more by determining what the status of the potential sale was.

Commissioner Bierman felt that there should be some delay but not as long as had been requested by Mr. Lau.

It was moved by Commissioner Starbuck that the matter be continued for 30 days.

Commissioner Bierman suggested that perhaps more work could be done with the neighborhood since the Landmarks Board was not ready for designation at this time. Mr. Okamoto responded that the Landmarks staff would have to do other things, and could not consider this project to be high priority. Mrs. Platt pointed out that the initiation of designation would not be appropriate at this time, from the Landmarks Preservation Advisory Board's point of view, but that the Board could notify the Bureau of Building Inspection of its interest in the project.

Commissioner Rosenblatt seconded the motion and then asked what the practical effect of telling BBI would be with respect to the Landmarks Board's interest. He thought perhaps Discretionary Review would be more appropriate.

Commissioner Bierman said that it was her understanding that the neighborhood thought this building was a landmark, and therefore perhaps they should work on the project.

Mr. Passmore indicated that the way he read the Planning Code, the Landmarks Board is given 30 days to respond to a request from the City Planning Commission. If there is a designation, there is a 180-day period during which a demolition permit cannot be issued.

Mr. Danekas asked whether the Commission could cancel the 180-day requirement if something was worked out in the interim. To this, Mrs. Platt responded that that kind of thing has never happened, but she felt it could probably be recinded.

Mr. Okamoto asked how the Commission could designate a building as a landmark without knowing what its history was. It did not seem to him wise to initiate proceedings.

Mr. Passmore recommended that the Commission ask for a letter to be sent to the developer notifying him of the concern of the Commission regarding his demolishing the building.

Subsequently, it was passed 6 to 0 to put the matter over for 30 days. President Lau abstained because of a vote of the Commission on the previous week's Meeting allowing that he perhaps had a potential conflict of interest.

Commissioner Bierman said she was interested in a motion directed to the Landmarks Preservation Advisory Board.

Commissioner Starbuck felt that perhaps the Commission could add a provision which would indicate that studies were to continue. He felt this could perhaps be an informal provision.

Mr. Okamoto pointed out the landmarks designation is not as effective in preserving the building as would be effectuating a deal between the potential buyer and the owner. This would be better assurance in accomplishing the goal.

Mr. Passmore felt that the Commission could direct the Department to write up a letter to the developer telling him of the Commission's intention to consider the building as a landmark, expressing concern regarding the building, and suggesting that he not demolish the building until the issue was resolved. He pointed out that the Landmarks Board did not yet have enough information and perhaps the neighborhood interested citizens could bring in some additional information in that regard.

Commissioner Dearman was supportive of such a letter and pointed out that if people really want to buy anything, they can if they have enough money.

It was subsequently moved by Commissioner Starbuck, seconded by Commissioner Dearman, and passed 6 to 0 to send a letter to the developer expressing concern regarding the building, and suggesting that he not demolish it. President Lau abstained on this vote because of a previous vote of the Commission.

It was then moved by Commissioner Starbuck, seconded by Commissioner Bierman, and passed 6 to 0 to continue looking into the historical aspects of the building, and requesting the Landmarks Preservation Advisory Board to oversee such a study. President Lau abstained on this vote because of a previous vote of the Commission.

DR76.29 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATION NO. 463209 FOR THE CONSTRUCTION
OF A BUILDING WITH EIGHT DWELLING UNITS AND COMMERCIAL
SPACE AT 100 VALENCIA STREET, SOUTHWEST CORNER OF 21ST
STREET; IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), reviewed the progress that had been made on this project since the City Planning Commission Meeting of last week. He pointed out that the neighbors had met with the developer, and that perhaps they would want to speak to the issue.

Chuck Lempert, representing the 21st Street and Valencia Neighborhood Action Group, announced that the neighborhood had worked out an agreement with the developer when it had become painfully obvious that the City Planning Commission would not sustain the neighborhood. He submitted an agreement signed by himself and M. G. Dotterweich, of M. G. Dotterweich Construction Company, which pointed

out that there was mutual agreement on the three following items:

- "1. Parking - M. G. Dotterweich Constr. Co. and the 21st and Valencia N. A. G. will actively seek to receive permission from all necessary City agencies to install Marimon Co. rear yard parking.
- "2. Tenants - M. G. Dotterweich Constr. Co. will actively solicit professional offices as the lessors for the commercial space. We will seek a tenant whose hours of operation would normally be between 8 A.M. and 6 P.M. that is, normal day-time hours. In the event a tenant (Commercial Tenant) has hours different than the foregoing, we will notify N. A. G.
- "3. Exterior - M. G. Dotterweich Constr. Co. will consult with N. A. G. regarding final finish schedule of the building."

Mr. Lempert felt that Valencia Street still needed more study, and requested that the City Planning Department appoint an outside staff person to do this study.

Rai Y. Okamoto, Director of Planning, pointed out that the Department of City Planning currently does not have the resources to hire such a person but that there was a Mission Street Neighborhood Commercial Plan which the Valencia Street group might tie into. At this point, George Williams, Assistant Director - Plans and Programs, indicated that there were neighborhoods who had expressed an interest in this kind of project in the public hearings, and whereas he would be happy to add Valencia Street to this list, it should be recognized that the other neighborhoods would doubtless have priority.

Mr. Lempert requested that they be notified of any further action on the matter. He asked whether the staff could give any indication with regard to the success of a variance on the parking which had been requested in the agreement drawn up by himself and Mr. Dotterweich. Mr. Passmore responded that it would be improper to comment on such a question since variance procedures would require public hearing and that that hearing should be objective.

Commissioner Starbuck pointed out that the Residential Zoning Study was considering RC zoning in some areas of the town and perhaps it would be appropriate in this area. Mr. Lempert responded that so far the staff of the Department of City Planning had left them pretty much alone.

At this point, Mr. Passmore said that the Department would still recommend no Discretionary Review for this project.

Subsequently, it was moved by Commissioner Mellon, seconded by Commissioner Dearman, and unanimously passed that there should be no discretionary review on the project at 1000 Valencia Street.

EE76.300 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT
AND STATEMENT FOR THE 1977 COMMUNITY DEVELOPMENT
PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT.

Since the Finance Committee of the Board of Supervisors had not closed their hearing on this matter, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and passed unanimously to continue this matter until the following week.

R76.27 - MASTER PLAN REVIEW OF THE 1977 COMMUNITY DEVELOPMENT
PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE COMMUNITY DEVELOPMENT
BLOCK GRANT.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and unanimously passed to continue this item until the following week.

PUBLIC HEARING ON INSTITUTIONAL DEVELOPMENT GUIDELINES

George Williams, Assistant Director-Plans and Programs, indicated that the Institutional Development Guidelines were before the public at this point in time to guide the Commission and institutions for the purpose of heading off a lot of problems by bringing conflicts out earlier. He presented the memo entitled "City Planning Commission Guidelines for Institutional Growth, with Modifications" dated October 20, 1976, and drew the Commission's particular attention to the five criteria which were amended as follows:

Criteria for the evaluation of institutional growth within residential areas
of San Francisco.

No. 1: Development at that location is necessary to meet an unmet public need for educational or health services.

No. 2: Development at that location will significantly advance the performance of the basic mission of the institution.

No. 3: Decentralization (locating the facility in another area of the City where the impact of the facility would be acceptable) is inappropriate from either a functional, physical, financial or public service standpoint.

No. 4: To avoid unnecessary duplication of services, the institution has sought to coordinate its proposed expansion plans with other institutions providing like services within the institution's service area.

No. 5: The institutions will work with community representatives to develop, and will undertake measures to avoid, relieve or compensate for any adverse impacts upon surrounding neighborhoods in a reasonable and feasible manner.

President Lau asked if there were any questions from members of the audience. There were none.

Commissioner Starbuck said that with respect to Item 4B, the addition of "endeavore to" was interesting in that these are only guidelines but the items "softened up" were examples. Since they were not guidelines, Commissioner Starbuck felt that there was an excess of caution illustrated here. He stated that he felt that too much had been taken away from the memo by the changes as noted in the revised memo.

Commissioner Rosenblatt felt that the timing was a crucial issue, and the sooner that this was adopted, the better.

George Shaw, Director of Planning for the Community College District, said that the District had been planning for some time and would be most concerned if the review of these guidelines held up their master planning process. He said that the project was very critical and had been in the planning department for the last 14 months.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and passed unanimously to continue the matter to November 18, 1976.

Mr. Williams noted that the representatives of the West Bay Hospital Conference would not be able to attend the November 18th meeting.

Therefore, it was then moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and passed 6 to 0 to continue the matter until December 2, 1976, thereby negating the previous motion. Commissioner Starbuck was out of the room for this vote.

CU76.33 - FRANCISCO BAY OFFICE PARK, THE EMBARCADERO AT MONTGOMERY AND FRANCISCO STREETS.

REQUEST FOR MODIFICATION OF CITY PLANNING COMMISSION RESOLUTION NO. 7115 TO ALLOW AN EXPANSION OF BUILDABLE AREA FOR A 2-STORY NON-MARITIME RESTAURANT AND LOUNGE; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 3.
CLARIFICATION OF INTENTION TO EXTEND PERIOD FOR CONSTRUCTION OF AUTHORIZED RESTAURANT FOR TWO YEARS.

Robert Passmore, Planner V (Zoning), (Assistant Zoning Administrator), explained that this matter had been before the Commission two weeks ago at which time the Commission had authorized a restaurant. The Department had inadvertently not clarified two important aspects of that resolution, and this would be rectified by adopting the draft resolution which was before them with the following additional conditions:

1. That construction of this restaurant shall begin no later than two years after the effective date of this resolution.

2. This authorization is for a two-story restaurant to occupy Assessor's Block 36, except that the easement shall be maintained for a future improved Embarcadero roadway, said easement measuring 73 feet from the center line of the second set of rails (I. C. C. No. 11) inland from the Bay.

President Lau asked whether anyone was in the audience in opposition to this item. No one was. Subsequently it was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and passed unanimously to adopt Resolution No. 7587, clarifying Resolution No. 7570 which had been approved October 7, 1976, with the two additional specific conditions.

DR76.36 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 456089 FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON ELSIE STREET, SOUTH OF ESMERALDA AVENUE.

Ralph Gigliello, Planner II, explained that this case was on the same street as an earlier case which had been before the Commission. It was similar to this earlier case in that it was two stories high at grade, but there were $3\frac{1}{2}$ to 4 stories at the rear of the building. The developer had indicated that he could lower the proposed building by five feet by the use of different construction techniques. Because of the sloping of the lot, however, the building would actually be ten feet lower than the other house on the same street.

Commissioner Starbuck said that that last statement seemed crucial if the buildings were adjacent. Mr. Gigliello responded that the building under construction had never been reviewed by the Commission but that the developer had offered to lower the proposed new building from 22 feet to 17 feet. The developer would thereby be stepping down the building.

President Lau asked for the staff recommendation, to which Mr. Passmore responded that it would be helpful to hear testimony from the public since this was a new proposal.

Rai Y. Okamoto, Director of Planning, pointed out, however, that a comparison to the other site would not necessarily carry the same kind of consideration. He felt that from Mr. Gigliello's description, mitigating measures had been proposed.

Charles Fenton, of the Northwest Bernal Block Club, residing at 141 Winfield Street, indicated that he lived beneath the area in question and he was confused by the description of the project as to whether the lot in question was higher or lower than the other lot. He felt this was important because he felt this was a question as to height.

Vincent Walsh, developer of the proposed project, indicated that Lot 9 was higher than Lot 10, but the effect would be that the building would seem higher. In other words, the lot was higher, but the building was lower.

Mr. Fenton, pointing out that he thought this was a hearing to see if a hearing was necessary, said that the original reason for his writing a letter was that he felt the project should be treated as a two-unit project, even though the EIR was waived because it was a single-family proposal. He pointed out that just because one house stands higher does not mean that another need be built just to keep it company. With respect to the ten-foot height limit, he said that he was aware that Homestead Savings and Loan also wanted this lot and that they would have been able to build it at only 10 feet.

Rai Y. Okamoto, Director of Planning, recommended approval of the building project subject to mitigating measures proposed by Mr. Gigliello.

Mr. Walsh indicated that the previous applicant, Homestead Savings had an option on the project but dropped it when they ran into trouble with the neighborhood. The then-owner asked him if he would pick up the option. He indicated that he would be out money for the option plus the design money, that he could come down to 17 feet, and that this would involve structural changes.

Mr. Okamoto questioned whether further modifications could actually take place without a total redesign.

Mr. Gigliello, attempting to clarify the issue of the slope, pointed out that the building would be higher in the rear, but the height would be less than the existing building because the ground was coming up to meet it. It is because of a "warped" slope.

Vincent Walsh said that you could pick up an additional five feet at the back by using the same plan, and that Mr. Okamoto's suggestion would require complete redesign of the project.

Mr. Okamoto indicated that a significant compromise had been accomplished, and if no further modifications can be made, he felt that the building should be approved.

Mr. Fenton said that he was talking about 11 units which include this lot on file with the Department of City Planning in which the height is under ten feet, therefore, he thought that a building of ten feet or under was feasible, and that it was possible to comply with the previous Commission's previous guidelines. He pointed out that Mr. Walsh had not taken the option until well after Resolution No. 7529 was passed and that the request for discretionary review was based on this fact. He therefore felt Mr. Walsh's complaints were not valid in that his plans had been done after the fact.

Mr. Okamoto recommended that the matter be put over one week.

It was then moved by Commissioner Bierman, seconded by Commissioner Dearman, and unanimously passed to continue the matter for one week. This would mean that the matter was still under consideration to decide whether or not discretionary review would be held.

STATUS REPORT ON TRANSPORTATION FINANCING POLICY

The Director introduced Dave Fulton, Planner II, who talked about the program that the Department was putting together on transportation financing policy. He pointed out that the legislature had passed an extension of the ½ cent BART sales tax and had called on the Metropolitan Transportation Commission (MTC) to program for financing transit in the BART counties over the next ten years. Mr. Fulton described several charts which showed projections of transportation costs and revenues which included projections of estimated shortfalls and proposed solutions to the shortfalls which were cutting services, levying new taxes, and encouraging broad regional and state participation. He indicated that the City must be concerned since, historically, San Francisco and other urban counties have not received their fair share of transportation monies. He pointed out the indirect beneficiaries of San Francisco public transit system include those who benefit from clean air, less congestion, less urban sprawl and concentrated economic activity made possible by public transit. He pointed out that there should be a broadening of the fund base and that MTC should not have increased discretionary power in this regard.

He felt that the department should give their recommendation to MTC before MTC reports back to the State legislature.

Commissioner Finn asked whether the "policies" represented the staff policy, the Transportation staff policies, or the Transit Task Force policies. Alan Lubliner, Planning Coordinator, said that the "policies" were proposed as the departmental response to the study.

Commissioner Dearman stated that she believed that the Municipal Railway would receive a greater percentage of State and Federal funds than BART if such funds were to be distributed on a ridership per capita basis and she felt that such a method of distributing the funds should be encouraged.

Commissioner Rosenblatt asked what happens now with this report. Alan Lubliner responded that the recommendations will be combined with those of the Public Utilities Commission and submitted to the Board of Supervisors, who are expected to forward them to Sacramento, as an alternative to the MTC recommendations. The recommendations coming out from MTC are to retain the status quo and that position does not help San Francisco.

At this point in the proceedings, 4:20 p.m., the Commission took a break until 4:55 p.m.

DR76.32 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 453344 FOR THE CONSTRUCTION OF A 63-UNIT APARTMENT
COMPLEX AT 212 STOCKTON STREET.

Robert Passmore, Planner V - Zoning (Assistant Zoning Administrator) reminded the Commission of the testimony which had been taken the previous week, and introduced Ralph Gigliello, Planner II, who reviewed the situation that had occurred last week. Mr. Gigliello also summarized the proceedings of the intervening week, stating that the neighbors had met with the developer, both had called him and suggested something that was not allowable by code, so he would not go into it. Mr. Gigliello indicated that three residents of the area had expressed support of the project: Daniel Solomon, Architect, AIA, of 84 Vandewater Street, San Francisco, 94133 by letter; and Pam R. Schneider of 294 Francisco Street and James R. Love, 152-158 Pfeiffer Street by petition.

Commissioner Starbuck asked what the unacceptable proposal was. Mr. Gigliello responded that it was a proposal to take one floor off of one building and put in on the other building, but this would not be allowable by the current planning code in that it would exceed that existing height limit.

Bob Tibbits, representing the Telegraph Hill Dwellers, said that he had written to the City Planning Commission in July requesting discretionary review for the following reasons: That by splitting the site there was no automatic discretionary review; that the density especially on Midway, was out of keeping with the neighborhood; and that the proposal would change the quality of living in the neighborhood. Mr. Tibbits indicated that a number of meetings had been held with the residents and with the developers, but the Telegraph Hill Dwellers, after all these meetings, had determined in their Board of Director's meeting to recommend against the proposed project and support the Francisco Street residents in opposition to it. He said that the Telegraph Hill Dwellers supported the RA zoning which had been proposed by the Residential Zoning Study. He pointed out that there was a terrible problem in taking advantage of deadlines. He said that Mr. Lam had been very congenial in meeting with the neighborhood but had maintained all along that the RA zoning would be uneconomical. The Department staff had indicated that the Malt Company was completely inappropriate for this residential area and that under the RA zoning the project would have a minimum of 28 units. He felt that the cost of demolition of the plant would be expensive but that there were many valuable materials there which could be sold. He added that he wanted to emphasize how delicate this neighborhood was, and that other things would probably be proposed which the Department would be unable to resist if this new project were allowed to set a precedent. Regarding the chronology that had been put forward, Mr. Tibbits mentioned that there were meetings with the developer and with the residents but that the neighborhood had never had meetings with the staff without the architect there and he felt that this was important because it might have provided the staff an opportunity to inform the neighborhood of options which when the Department wore their "new zoning hats", they would recommend, but that when they were wearing their "discretionary review hats", they would not. He pointed out that it was not until the final meeting that the new zoning was brought up and that under the new zoning there would be a maximum of

28 units. He said he had the impression that the Planning Department had been supporting this project from the very beginning and that the neighborhood was enticed into believing that 68 units was the best they were going to get. He said that when the residents found that out they asked themselves why they should compromise at all with this developer who had originally proposed forty condominium units. Mr. Tibbets ended his testimony by indicating that this area was a most delightful neighborhood and should not be changed.

Bruce Lilienthal, representing the Neighbors of Francisco/Midway Neighborhood, said that the letters from the three residents of the neighborhood which had been submitted for the record today, represented people who had never been to any of the meetings regarding this project. He presented a petition to the Commission which had been signed by 87 persons, which urged denying approval for the proposed project. Mr. Lilienthal described the character of the area as one which was of a low density where families live with children in a little pocket which is surrounded by higher density. He said that he was particularly concerned with the Midway section and believed that there should be only 14 units. He felt that the major problem was density and parking. One of the main objections was an architectural objection, since the apartment type bulk would be changing the intimate character of the neighborhood. In illustrating his neighborhood feeling, he indicated that the neighborhood has a yearly block party, that he has gotten a call in the night when someone saw a stranger wandering around his car and that he had to leave his house five minutes early in the morning to say "Hi" to neighbors on the way to work. He said in conclusion that the neighborhood was a living, breathing street and cannot sustain a large apartment complex.

Ella McGloin, 257 Francisco, said that she lived directly across from the Midway portion of the proposal. She asked the Commission to consider the traffic situation, which she felt could not handle additional traffic from 69 units since the area was already overpopulated with cars, especially when there is a good movie at the North Point Theater. She pointed out that the neighborhood could not handle additional traffic. There were many children and no back yards, so the children have to play out in front of houses. She said that she and her neighbors sometimes sit on each other's steps and have iced tea and that is an indication how friendly the neighborhood is. Mrs. Roth, 232 Francisco, reiterated what Mrs. McGloin had said that the neighbors all know each other and the neighborhood should be kept the way it is.

Vince Delfino, also a resident of Francisco Street, said that he feels so bad when he sees big walls of apartments.

Pat Merida, 255 Francisco, said that she has a small back yard and also has children. She moved to the area because of its family-like atmosphere, although she had lived in North Beach her whole life. She said it was refreshing to find a spot like this.

Ann Halsted, said that a primary concern of the neighborhood was the density on Midway and that there could be a reasonable density if the new zoning were complied with.

Kim Clark, of Capron, Hodge and Clark, representing the architect for the project, Gene Lam, and the owner of the property, Intrate & Company from Minneapolis, said that he met Mr. Lam one year ago with Cal Rossi. He gave his version of the history of the project, indicating that Mr. Lam has an obligation to purchase the property. He felt that the proposal was on "all fours" with respect to governmental regulations and that the Commission was not in a position to act as a catalyst. He indicated that when Discretionary Review first came up, there were two options, one was to meet with the neighbors and the second was to run straight through with the project. He pointed out that Mr. Lam voluntarily met with the neighborhood and talked about such issues as parking, landscaping, and skylight in good faith. He felt that Mr. Lam had been negotiating in advance on these issues. But now Mr. Lam was hovering around the line of economic feasibility.

Commissioner Mellon asked whether Mr. Clark had meant to say the developer had voluntarily lowered the density. Mr. Clark replied in the affirmative and indicated that it was hard to get the parties together now.

Mr. Clark guessed that the project would cost in excess of \$250,000 now.

Commissioner Starbuck asked whether the cost of knocking the building was not in the reflected purchase price. Mr. Clark responded that it was a negotiated price. Commissioner Starbuck asked if the developer had been apprised of the new zoning. Mr. Clark responded that the developer did not run down to beat the deadline of the initiation of the proposed new zoning codes, if that was what Commissioner Starbuck meant to ask.

Gene Lam, architect and developer for the project, submitted pictures and renderings on how the proposed project would look in the surrounding neighborhood. He pointed out that Mr. Tibbets had inferred that he had taken advantage of the deadline, but he pointed out that he had been working with the Department of City Planning for five months before the new zoning ever went into effect and he had wanted to work with the neighborhood and the departmental staff.

Commissioner Rosenblatt asked which facade would show on the Midway portion of the street, and was shown it.

Commissioner Starbuck asked what was indicated by the green strip on the plan. Mr. Lam responded that he would be happy to make some design in that area that would be acceptable to the departmental staff.

With respect to traffic, Mr. Lam said that there would be more overall traffic, but that there is only one entrance for cars belonging to the proposed project and that is on Stockton Street. There would not be much traffic on Francisco Street and what would be there would be minimal.

Commissioner Starbuck asked whether Mr. Lam had been aware of the new zoning. Mr. Lam responded that he learned about it at the same time as the neighbors had.

Rai Y. Okamoto, Director of Planning, pointed out that most of the complaints about the May 20 initiation of the residential controls that they had been put on too quickly. With respect to the questions on the Midway side, however, he asked the developer whether he could consider a revision such that units could be carried down to the ground and made larger, since larger units were more likely to be family units and would have access to the out-of-doors. In addition, this would take away from the wall created by the parking garage.

Mr. Lam responded that there were only three units per floor and none were over the lobby, but perhaps this suggestion could be accomplished in other units.

Mr. Okamoto said that a possibility existed of closing Midway so that there would be no temptation to go through Midway Street. Mr. Lam responded that he had brought that idea up, but most of the neighbors were against it.

Mr. Okamoto indicated that the proposals put forward in the May 20 memo were of an interim nature, and therefore subject to study. He added that this may be one of the areas where the downzoning had been too excessive. He also pointed out that San Francisco has a lot of variety, and perhaps the people who live in this project would provide variety in the neighborhood. He also pointed out that most of the circulation would be away from the street, and that these could be called mitigating measures.

A woman from the audience said that the statement regarding traffic was right, but there was a pedestrian entrance on Midway but people would pull up in their cars and run in with their groceries, so there would still be traffic on Midway.

Mr. Lam responded that it would be easier for people who were in their cars to go into the garage since the elevator was closer to the garage than it was to the front entrance.

Commissioner Dearman pointed out that she did not agree with that analysis, but since the architect was a man, he probably did not do the shopping. Mr. Lam replied that that was incorrect.

Mr. Passmore indicated that to have proposed RA-4 would have been a more appropriate zoning designation for the area. He also pointed out that no one knew what the proposed zoning was going to be before May 20. He felt that it was appropriate to continue the matter for one or two more weeks, to review the Director's recommendation, and to look into the closing of Midway.

Subsequently, Mr. Okamoto made the recommendation to continue this item for up to two weeks with the staff stating that it does support the proposed density.

A woman from the audience said that if Midway was closed, parking spaces would be taken away.

Mr. Gigliello pointed out that the Department had been working with developers for a long time and there had apparently been a communication failure with residents.

Mr. Lampointed out that he needed to know if the building would be approved.

Commissioner Dearman said that she had gone out to the subject site last Friday, and went up Midway Street. She said she had "sympatico" with the neighbors, but there are property rights. She said she knew this because she lived with a lawyer.

Commissioner Bierman said that since the Commission had taken the project under Discretionary Review, she thought that it was too big for that space, and that there should be an "in between" someplace.

Subsequently, it was moved by Commissioner Finn, seconded by Commissioner Dearman, and unanimously passed to continue the item for two weeks, until November 9, 1976.

The Meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Marie Zeller
Acting Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held October 28, 1976.

The City Planning Commission met pursuant to notice on Thursday, October 28, 1976, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Thomas J. Mellon, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Peter Svirsky, Planner V (Zoning); Franz Von Uckermann, Planner III (Zoning); and Marie Zeller, Acting Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress.

ZT76.6 - PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLES 2 AND 6 OF THE CITY PLANNING CODE TO PROHIBIT GENERAL ADVERTISING SIGNS (OFF-SITE SIGNS AND BILLBOARDS) THROUGHOUT THE CITY AND COUNTY OF SAN FRANCISCO, TO REQUIRE REMOVAL OF ALL EXISTING GENERAL ADVERTISING SIGNS AFTER AN AMORTIZATION PERIOD, AND TO MAKE RELATED MODIFICATIONS. INITIATED BY BOARD OF SUPERVISORS.
(Continued from Special Meeting of September 23, 1976.)

President Lau introduced Supervisor Feinstein who thanked the Chairman and members of the Commission for giving her an opportunity to speak on behalf of this controversial piece of legislation. Supervisor Feinstein indicated that there was no question that the billboard legislation has powerful opponents. She said she was sure that the Commission had heard that the legislation would involve an industry moving from San Francisco, loss of jobs, and taking from people a livelihood in terms of realizing a revenue from billboard rentals. She pointed out that she had been advised that the billboard companies had sent letters to everyone that rented space from them, and had encouraged their employees and others, in order to bring forward these arguments. She wanted to point out that the legislation was not unlike legislative thrusts in 140 California cities today; and it is not unlike legislation which has been sustained in various state and supreme courts throughout the United States.

Supervisor Feinstein pointed out that one has only to go to the city of Washington D.C., get off the airplane, and drive along the expressway, when one begins to understand that there are no billboards in the city. One can drive into Washington, an old city, a city with its share of social problems, and notice the beauty of much of its architecture.

In describing the proposed ordinance for San Francisco, Supervisor Feinstein said she felt it was a fair one, especially in that it provided for a ten-year amortization period from the day it becomes effective. This would mean that every billboard company could carry out a full amortization and would be entitled to know that for the next ten years it could receive continued income. She pointed out that decisions have to be made on the basis of environmental factors that affect the quality of people's lives, among which are many efforts including residential zoning limitations, remodeling and refurbishing of private homes and commercial structures and planting of trees by the thousands, in order to begin to restore the charm and livability of the city. She felt that a major obstacle to this improvement program and one which clearly detracts from the efforts of beautifying the city are the 1200 to 1500 billboards that dominate many of the streets, hills, rooftops, and freeways.

Supervisor Feinstein indicated that the majority of the billboards in San Francisco are no longer modest general advertising signs on wooden frames. They have been enlarged and are "mammoth pictorial displays in brilliant Day-Glo colors, embellished with neon and supported by heavy metal super-structures". While it true there have always been large signs, she felt that what has changed is the number of large billboards. She showed pictures which illustrated billboards in the following locations: 975 Ocean Avenue, built in 1971; Northeast Bayshore and Industrial, 1970; Northeast corner of Howard and Fifth, 1970; 447 Potrero, 1971; West Bayshore, South of Oakdale, 1971; Third Street; Lombard Street; Bayshore and Arletta; Fifth and Tehama; 2323 Geary Street; and Southeast corner of Fillmore and Lombard, 1972.

Supervisor Feinstein felt there was no reason why visitors to San Francisco should be greeted by cigarette and liquor advertisements; likewise there is no reason why the scenic and architectural beauty of San Francisco should be marred by the signs. She felt that the side of a beautifully rehabilitated Victorian should not be covered by a large billboard that juts out over the sidewalk and the street as now exists at the northwest corner of California and Divisadero Streets. She said that if the people of San Francisco believe that billboards have become a public nuisance and an unwarranted blight on the landscape, then that is a cue to see that the billboards are removed in a manner consistent with governmental prerogative.

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and constitutional guarantees.

Supervisor Feinstein said that on June 1, 1976, she had introduced a package of billboard legislation, of which one piece passed by the City Planning Commission signifies the completion of Market Street. She recalled that in 1970, when the current billboard removal provision for Market Street was passed, the attorney, Paul M. Hupf, representing Foster & Kleiser and Advan, Inc., wrote to the Commission indicating that a five-year amortization period was the only reasonable period under the present circumstances. The attorney pointed out that tables for depreciation acceptable to the Internal Revenue Service permit no shorter period than slightly more than seven years from date of construction. The original provision of the ordinance for amortization would not have allowed Advan to depreciate its costs before the expiration of the period provided. She pointed out that the billboard industry in effect agreed to a five-year amortization period and that they said they would have the boards down. She noted that the boards were not down yet.

Supervisor Feinstein indicated she had photographs showing that newly planted trees along Market Street were suddenly one day cropped directly below certain billboards. She felt that since 82% of the money for Market Street has been spent, there was good justification to say that the street is now completed and perhaps it is time to move on.

Supervisor Feinstein pointed out that the new ordinance provided for a ten-year amortization period, which is three years longer than the seven years mentioned by the attorney for the billboard companies in 1970 as necessary for full IRS depreciation. She felt that providing the extra three years was more than fair for the people who rent space for billboards. Parenthetically, Supervisor Feinstein pointed out that much of the space rented for billboards belongs to landlords who do not live in San Francisco. She pointed out that some owners of property with signs on them on the James Lick Freeway from the vicinity of Tenth Street to the Bay Bridge were from Millbrae, Oakland, San Leandro, San Mateo and Kentfield and, that other owners were corporations from San Mateo, Oakland, Richmond, Virginia and New York.

Supervisor Feinstein understood it was very clear that there is a profit motive in renting billboards, and that is why the ten-year amortization period was recommended.

Supervisor Feinstein read letters of two constituents who supported her legislation.

Supervisor Feinstein said that San Francisco is now reaching

the point where the public nuisance is being felt by a large number of people, large enough for this legislation to gain the endorsement of the following organizations: the San Francisco Roadside Council, the Coalition for San Francisco Neighborhoods, 14 neighborhood organizations, SPUR, San Francisco Tomorrow, the Preservation Hall Democratic Club, the Sierra Club, the Eureka Valley Promotion Association and the Golden Gate Heights Association.

Supervisor Feinstein pointed out that the ordinance would have a particular effect in that it would help local businesses by exempting signs devoted to on-site advertising. This would mean that the hard-pressed merchants of San Francisco would not have to compete with lots of off-site advertising, and would be able to have the advertising field to support their concerns.

Supervisor Feinstein then read the following list of persons who had indicated a wish to speak in favor of the ordinance: John Hertz from the Council of District Merchants Association; Jeffrey Heller from SPUR; Harry Heyl from San Francisco Beautiful; Phoebe Galgiani from International Hospitality Center; Margot Patterson Doss from the Russian Hill Improvement Association; Marian Beers who is a realtor; Jerry Levine of SF Tomorrow; Hugh Douglas, a Telegraph Hill resident; John Knox, Friends of Noe Valley; Dorothy Erskine; Harvey Milk, representing the Castro Village Association; Tom Plant representing Plant Construction Co.; Donald Wyler from Gerson Baker; Fred Methner representing the East and West of Castro Association; Richard Watson, the Urban Design Chairman of the Northern California Chapter, American Institute of Architects; Carolyn Morrison from Tamalpais Conservation; Barbara Cathcart from the California Roadside Council; Dr. William Deamer for himself; Earl Moss from Victorian Alliance; Jean Kortum from the Landmarks Board. Others indicating their support were: Dale Champion representing the Buena Vista Association; Gloria Vollemeyer of the Haight-Ashbury Improvement Association; Joseph Kramer of Ingleside Terraces Homes Association; Charles deGelsey of Lakeside Village Merchants Association; Guerin Olivola of Marina Merchants Association; Donald Cottle, Monterey Heights Homes Association; Terry Covert, Nob Hill Neighbors; Sal Ignoffo, Noriega Merchants Association; Carolyn Yates, Pacific Heights Association; Anne Bloomfield, Pacific Heights Neighborhood Council; Harvey Luster, Page/Laguna Neighbors Association; Dr. Gellert, Parkside District Improvement Club; J.C. Corriveau, Portola District Merchants Association; William Farnsworth, Russian Hill Affiliates; Victor Eggerding, St. Francis Homes Association; Andre Tolpegin, seacliff Property Owners; Harold Madison, Shafter Avenue Community Club; Arlene Murillo, Stonestown Merchants Association; John Batten-court, Sunnyside Neighborhood Association; Dr. Mary Olney, Sunset Heights Improvement Club; Mrs. Anthony Vidak, Sunset Heights Improvement Club; William Wilson, Taraval-Parkside Merchants; Robert Tibbits,

Telegraph Hill; Virginia Nacchiarini, Upper Grant Avenue; Frank Tomosini, Upper Noe Valley Nieghborhood; Harry Shindel, Visitation Valley Improvement Association; Jack Creighton, Visitation Valley Merchants Association; Bob Colliss, Excelsior Businessmen's Association; Maureen Conroy, West of Twin Peaks; and Polly Layer, Greater West Portal Neighborhood Association.

Supervisor Feinstein urged that the City Planning Commission pass this piece of legislation becuase she believed it to be in the public interest. She said that it had been drafted with the help of a staff attcrney, and that it will meet the test of constitutionality.

Supervisor Feinstein felt that the final battlefield for this piece of legislation should be with the elected Board of Supervisors who had originated this legislation. She acknowledged that it might lose in the Board of Supervisors, but if that occurred she was prepared to go to the initiative process to put this legislation on the ballot and let the people of San Francisco decide whether billboards are in fact meeting the concepts of neighborhood improvement. She believed that billboards are also not helping the commerce and industry of San Francisco.

In closing, Supervisor Feinstein felt that the billboard legislation might have its enemies, but it also had its friends.

Peter Svirsky presented the following statement:

"This matter has been continued from September 23, at a hearing tha was adjourned just after midnight. At that time it appeared that additional persons might wish to testify, and the Commission also asked for preparation of answers to certain questions raised during the hearing.

"The six questions noted by the Commission were as to the following:

"1. The number of billboards in San Francisco owned by the two major firms, Eller and Foster & Kleiser. In an earlier written statement and in a letter of October 22 which is before you, the two firms have indicated the total is 1105 signs.

"2. The average monthly lease payment for these signs. The letter of October 22 sets the figure at \$74.51 per month or \$904.97 per year although, as the industry points out, that is an average for all signs and cannot be regarded as typical; some rentals are much higher and many are lower.

"3. The amounts of advertising space donated to individuals and organizations. In separate letters before you, one dated October 21 and the other October 25, the two firms have listed the donated signs and their values for the year 1976. The total values come to \$57,000 for Eller and \$202,000 for Foster & Kleiser.

"4. Whether the number of applications for new billboards has escalated in recent months. The best way to answer that question is to indicate that in the first five months of 1976, before introduction at the Board of the ordinance proposal now before you, there were 14 applications approved, and in the second five months there have been 42 applications.

"5. Whether there is anything in recent court decisions that would be a bar to adoption in San Francisco of an ordinance such as the one proposed. The Department staff has again reviewed the opinions and consulted with the City Attorney's office which has kept current in this field due to pending litigation in San Francisco. We have also reviewed the legal memorandum and cases supplied by the industry. On the basis of these reviews, we can find nothing that would bar adoption or allow a successful challenge to an ordinance of this nature. The proposed ordinance appears to have taken the court cases into account.

"6. Certain questions were raised by the industry as to the wording of the purposes and findings in the ordinance, especially in relation to the statement that billboards have proliferated in many areas of the city, and that they have become larger, more imposing and more intrusive. It does not appear that this language was intended to mean that the standardized sizes of billboards have been changed, but only, as Supervisor Feinstein has noted, that the industry has concentrated its efforts upon putting up the larger signs, which are more intrusive, and that some parts of the city have more billboards than they had before.

"I wish to note also that the Commission has received additional letters on this matter since the last hearing. There are 44 additional letters from individuals in support, bringing the total to 72, and four additional letters from individuals opposed, bringing the total to 94. There are also four additional letters from organizations in support. These letters are all contained in the folders being passed to you."

President Lau made a determination to alternate the pros and cons as the procedure for the meeting.

Commissioner Rosenblatt asked whether there were any billboards on Port property. Supervisor Feinstein responded that there was a proposed resolution before the Planning, Housing, and Development Committee which would request that the Port Commission terminate all billboard leases on Port property. Copies of that proposed resolution were made available to the members of the Commission.

John Hertz, representing the San Francisco Council of District Merchants Associations, indicated that he was one of the owners of the property at Fifth and Eddy Streets on which one of the largest billboard stands and that he would be happy to see that billboard removed. He pointed out that he was speaking on behalf of the following members of the San Francisco Council of District Merchants Associations who had met in a meeting attended by the President or a delegate of these organizations: Walt Jebe Excelsior district; Bill Wilson, Taraval-Parkside; Christina delFino, West Portal; Virginia Maccarani, Upper Grant Street; Anton, Sincata, Fisherman's Wharf; Ann Pochaco, Geneva-Mission; Howard Thompson; Fillmore; Bernie Cohn, Polk Street; Russ Daly, Clement Street; and himself, Mission. Mr. Hertz indicated that the Council did not take an official position, but that representatives of these organizations endorsed the proposed legislation.

Paul M. Hupf stated that he was an attorney-at-law representing both Foster & Kleiser and Eller, Inc., outdoor advertising firms, in opposition to this legislation. He said that he has offices in Daly City but that he practices in the San Francisco Bay Area. He pointed out that a presentation had been made at the last meeting by Mr. Kessler and he felt that it was necessary to summarize a few of the points that were made at that time. He said that outdoor advertising was an integrated operation; that the showings were very carefully selected; and that the presentation must be diverse. He indicated that San Francisco is not an isolated unit with respect to advertising; it is part of California and the United States and the outdoor advertising industry serves this community as it serves other communities. He pointed out that outdoor advertising is an important element in the commerce of the country and that it provides jobs with 2.6 million dollars annually in salaries for people residing in San Francisco as well as the Bay Area. In addition, one million dollars is provided in rentals, sometimes up to \$1,000 a month. He felt that it was necessary to point out that signs had not proliferated in the Bay Area; in fact, the number has been reduced to 1,105 from the 1,888 outdoor advertising signs 10 years ago.

Mr. Hupf pointed out that the industry does not function in residential areas, but only in industrial and commercial areas and that that is the policy of the industry. He noted that signs adjacent to roads in commercial areas were allowed by the Federal Highway Beautification Act, and that the Federal Highway Act as well as State

law purports to regulate industry but not to prohibit all signs.

Mr. Hupf further noted that the industry is a versatile one which functions far beyond any competing method of advertising. There is a substantial investment in manpower and jobs, and this is why so many people were present at this hearing. He stated that the proposed ordinance casts a pall over people's jobs and their lives and that people were here because "you are striking at the very heart of their lives and families".

Mr. Hupf felt that he must take important issue with some of the statements made by Supervisor Feinstein. With respect to her calling billboards a public nuisance, he said that that was her "say so" and there was no evidence to support this other than her own opinion. Also no court decision would support this. With respect to blight, he said that this was also her own personal opinion and she was entitled to that, but it was a very cavalier approach to the subject, he felt, when people's jobs were on the line.

With respect to Supervisor Feinstein's contention that this legislation was consistent with similar thrusts made in over 140 other cities, Mr. Hupf said that there had not been one ordinance which had been sought to be enforced in California which had not been restrained by the courts. In San Diego, in fact, this type of legislation was considered unconstitutional, a principle which is now recognized through declarations by the U.S. Supreme Court that the First Amendment has application to commercial speech.

With respect to Supervisor Feinstein's contention that courts in other states have upheld this type of legislation, Mr. Hupf replied that this was false: courts of last resort in Michigan, Illinois, Pennsylvania and Maryland have declared similar legislation unconstitutional.

Mr. Hupf indicated that his remarks on Market Street, which had been quoted by Supervisor Feinstein, should not apply to his comments here since that ordinance had reflected the agreement between the industry and the legislative body that billboards would come down when the work had been completed on Market Street.

Mr. Hupf stated that the First Amendment requires that a compelling necessity must be found as a basis for enactment. This ordinance, he noted, proposes to prohibit a form of expression which is a basic form of communication without substantiating a compelling necessity. He noted that outdoor advertising assists merchants in San Francisco because it sells things which are manufactured outside of San Francisco but are sold inside of San Francisco.

Mr. Hupf said that this ordinance would result in a loss of jobs, a loss of income and a loss of property values. He asked why the ordinance had been brought before the Commission. He wondered if it was "pique" against the industry which was merely fighting for its rights.

Mr. Hupf asserted that the stated purposes of the ordinance were not supported by the evidence: there is no proliferation of signs, there are no larger or more intrusive signs, the industry has no detrimental effect on the economy, the signs do not constitute any hazard, and they do not have an adverse effect on tourism. In fact the Convention and Visitors Bureau uses billboards to advertise San Francisco to visitors.

With regard to the billboard legislation in Washington D.C., Mr. Hupf indicated that if one goes beyond the Capitol and Federal buildings, beyond the Mall, and perhaps beyond Massachusetts Avenue, if one goes elsewhere, Washington D.C. does have its share of blight and run-down buildings and neighborhoods. He wondered whether perhaps a few billboards would help that city. He then asked rhetorically, "If billboards are the cause of blight, why does blight exist in Washington D.C.?"

Mr. Hupf pointed out that with respect to crime, statistics in Washington and San Francisco are approximately equivalent, and that if billboards are causing crime, it certainly was not borne out by the statistics.

The ordinance would damage San Francisco, according to Mr. Hupf, because it would result in loss of jobs and a loss of property values at a time when other members of the Board of Supervisors are manifesting great concern over industries leaving San Francisco. Mr. Hupf noted that a poster is "every man's means of expression". They are used by single people, non-profit groups, and corporate entities.

Mr. Hupf noted that free advertising was given by the industry to worthy causes and that the Commission would be killing a valuable part of the community if they enacted this ordinance and especially if they did it on the expressions of a handful of people who said billboards constitute a public blight and nuisance.

With respect to the "laundry list" of names presented by Supervisor Feinstein, Mr. Hupf said that he had been in and around city government for a long time, long enough to know that it was easy to generate a list of names such as this and that it does not mean anything. In conclusion, Mr. Hupf recommended that the ordinance should be rejected out of hand.

Mr. Murphy, a resident of San Francisco for 55 years, said that

he was an engineer and had brought property at First and Bryant Streets. On this property he had designed and built a sign and he rented it to somebody who paid him money for it. He said that the Supervisors should spend less time on this kind of legislation and spend more time in solving the real problems of the city.

Commissioner Rosenblatt suggested that testimony be directed to the ordinance, since he felt that it was not constructive to talk about individuals.

Jeffrey Hiller, Associate Director of the Urban Design and Open Space Committee of SPUR, residing at 226 Eureka Street, San Francisco, told the Commission that he felt their role was judgemental and that all visual quality decisions are judgemental. He noted that planning does this type of thing all the time. He pointed out that tourism was in San Francisco because of the city's attractiveness. With respect to the job question, Mr. Heller felt that the "ebb and flow" of employment depends on the direction the city takes. That is to say, when the policy of the City changes, there is an accomodation regarding jobs. To say that billboards are not the only cause of blight does not say that they do not contribute to the blight, he said. He pointed out that SPUR supported the ordinance. On a personal note, he said that as an architect he had at times been put out of work by City ordinaces, but one just had to accept proper enactments in the public interest and go on.

Tom Spinoza, 61 Mill Street, San Francisco, said that in 1965 Governor Reagan had appointed him to the State Building Standards Committee. He said that he had no personal objection to billboards and had no problem with Supervisor Feinstein; in fact, he supported her in her opposition to the United States Steel Building. But he noted that this was one point where he was in disagreement with her since he felt that the proposed legislation would put people out of jobs. He pointed out that in 1967 he had suggested that buses and streetcars be used for political advertising, and that this idea was enacted by the Board of Supervisors and had generated extra income for San Francisco. He noted that he was currently running for Congress, and had borrowed money on his house to buy 10 billboards; therefore, he was personally involved with this legislation. He said that he must repay the money which will help the economy not only of the billboard industry but of the banks. He said that what happens here will set a precedent and that the City would have to pay \$250,000 for a suit which would be brought against it if the legislation is passed. He pointed out that not only did the billboard industry provide jobs for billboard workers, but jobs for those producing such products as steel and paper, and artists who work on the billboards

Harrison Heyl, 840 Urbano Drive, representing San Francisco Beautiful, indicated that his organization supported the ordinance put forward by Supervisor Feinstein, and that it supported this kind of effort in general. Mr. Heyl offered that San Francisco Beautiful would monitor the legislation over a ten-year period. He said that the legislation had been remodeled by Supervisor Feinstein to speak to the needs of both sides of the issue.

Irving Sugarman, 1200 California Street, speaking on behalf of his wife who owns property with a billboard on it, said that it was not true that removing billboards makes a more beautiful city. He said that the property his wife owns at Eighth and Harrison Streets could support a high-rise building, but since there is a billboard on it, they have continued to maintain a low building. He said that he had not read the ordinance yet, but he did not believe there could be a provision in the ordinance for removal of billboards, and he had never heard of a court ordering anybody to modify their property. He asked parenthetically if his wife could lease their billboard to the Steam Beer Brewing Company on the property, which would make it an on-premises sign. He noted that his property was valuable, but some property is good only for advertising. In conclusion, he said that it was impossible to legislate good taste and that, as the plants of Foster & Kleiser and Eller had been driven out of San Francisco, so were other industries, and San Francisco has lost enough industry already.

Hugh Douglas, 90 Alta Street, representing the Telegraph Hill Dwellers Association, presented the following statement:

"My name is Hugh Douglas; I live on 90 Alta Street on Telegraph Hill and am a member of the Telegraph Hill Dwellers Association. I am a Resources Economist and a graduate of Amherst College and Columbia University and author of numerous reports on the economics of the resources industries.

"First I would like to state emphatically that I am not against advertising; it forms a useful function in enabling the buyer and seller to meet in the market place to exchange goods and services. In the comparatively open market economy of the United States advertising provides this useful function; indeed even the most socialist of countries advertise goods and services.

"Most serious economists of whatever political spectrum agree that advertising serves a useful purpose. However, this agreement is premised on the understanding that advertising serves a useful purpose when it is used to give information about a new product. Most serious leaders

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in the advertising industry also agree that the most effective advertising is informative advertising. In terms of results, informative advertising generates more sales than combative advertising.

"An informed consumer, therefore, uses advertising to assess choices and prices to see what is new in the market place. Thus, old products that have nothing new to offer move to the persuasive or combative type of advertising with, as the experts state, decreasing results.

"Now what has this to do with billboards? The question that must be answered is -- do they meet any of this criteria? -- and the answer is for the most part, no.

"Do they give information about the product? Very little. Of the some 43 billboards to be seen from the San Francisco Airport to the entrance to the Bay Bridge, 26 or nearly two-thirds of them are advertising cigarette and liquor. The cigarettes ads tell us that a certain cigarette is simply "better". Better than what? Not very informative and hardly helps me make a choice if I were a smoker. This is the persuasive type of advertising. The government campaign to insist on proper labelling of products and cigarette advertising is now giving information on the weed in terms of its foreign matter -- tar, nicotine and so forth. I doubt that the average smoker pays much attention to this information.

"Similarly, liquor advertisements are all the persuasive type -- stated to be the poorest approach to advertising. Do we see a blockbuster ad such as -- Khazakstan Vodhka will get you smashed quickly because it contains 90 percent alcohol? Not a bit of it.

"Another point to consider is that outdoor billboards are brilliantly illuminated at night. A large consumer of electric energy aimed at a declining number of viewers as the early night passes to dawn.

"Apart from the effectiveness of outdoor billboards, two other arguments are persuasive enough to ask for the elimination of billboards.

"The first is that they hold a captive audience. One can choose not to look at TV. One can choose to ignore or overlook an advertisement in the newspaper or magazine, or not to buy the periodical at all. Not so with outdoor

advertising. It is there. It can be ignored only with difficulty. And this is precisely the reason that the billboard industry opposes the elimination of billboards. They have it made, as the saying goes; they have a captive audience.

"And here is the point. Billboards are visual pollution; they transgress my right to look at a seascape, the Bay, the hills of Marin, the grandeur of the City. I cannot put it any more strongly than to state that they are an affront to the citizen. I would place them in the same category as bad odors, noise and noxious gases from cooking ovens at a steel works.

"I would now like to turn to the ordinance itself and to suggest to the backers of this ordinance that the phase-out period for the billboards be modified. Assuming that the IRS grants a ten-year write-off on the capital cost of construction of a billboard. Probably the billboard owner uses a double declining balance which will allow him to recover 49% of his investment at the end of the third year. Thus, most of the owners will have no economic hardship on the capital accounts. Granted, he will lose the source of income, but over a 10-year period he will have sufficient time to diversify his operations into other areas of industry or advertising to make up the loss of income.

"Because of these economics, I believe it would be reasonable for the ordinance to state that billboards be phased out at a rate of 10% per year. If the owner has only one, then he could wait until the tenth year; if he has 10 billboards, then the first one must go in the first year.

"My fear is that if you give the industry 10 years to phase out the billboards all of which will occur in the tenth year, then about the eighth year, the pressure will build up to amend the ordinance, to again plead hardship and generally mau-mau the Board and the Planning Commission to extend the time period. It has already happened on Market Street.

"As I have pointed out, there does not seem to me to be any hardship in eliminating 10% of the billboards per year per owner. The cost of removal will be written off against income; thus the costs are only 50-cent dollars and I suspect that economic reality will say that the space charged

will be increased to cover the removal costs. Moreover, as the number of billboards shrink, the laws of supply and demand would suggest that the cost of renting the space left over will begin to increase dramatically.

"Perhaps if the gentlemen representing the billboard industry would think about this simple economic reality, this ordinance could prove to be one of the biggest 10-year bonanzas in their histories. The monies generated could be used for other endeavors.

"So, to sum up, I and the Telegraph Hill Dwellers Association are in favor of this ordinance. I am a captive and my personal right to a view-scape is being trespassed upon. Furthermore, removal of the signs will impact favorably on the beauty of the City. And finally, from an economic standpoint, I cannot see that a great financial hardship will be borne by the billboard industry."

Dennis Kavanagh, an attorney residing at 220 Jackson Street, spoke on behalf of his mother-in-law, Kathleen Beal, a senior citizen. He noted that his mother-in-law depended on the rental from her piece of property at Bayshore and Third Streets for income, from which she got \$250 a month from Foster & Kleiser. He felt that this income was important to her in her "twilight years", and that she was just one of the "little people"; she was not part of the billboard lobby and there were many people like her.

Fred Methner, Secretary of the East and West of Castro Street Improvement Club, presented the following prepared comments:

"We are now in a fight to undo the ordinance, or at least not to add teeth to the proper enforcement of its provisions. With the main argument being that it might destroy some jobs. Are we now going to look at everything we do, or not do, with employment as the sole point of argument? If so, why don't we all dump our garbage out the window and throw everything we no longer want into the street, thereby forcing Street Cleaning to hire more people? And why did we stop with laying bricks only on Market Street? Did we not realize that a lot of bricklayers would be thrown out of work by our not putting bricks on all the city's pavements? And why not make a law which makes it mandatory for every landlord to have his house painted every 2 or 3 years, to give more jobs to painters? I had to get out of my trade, lithography, during the Second World War and get into something else; and at age 60 I was fired out of my trade, and got into Civil Service as a Clerk Typist.

I know what it means to lose your job, but I also know that it is not the end of the world.

"We are busy all over the city trying to beautify things. We are asked to plant trees for instance. Why? Because it would enhance the looks of the street. It is this very enhancement of our city which makes it necessary to remove certain bollboards, to cut down on them, to phase them out. The industry has had plenty of time to do it. This is the all-important question before the city as a whole."

Joe Chapan indicated that he had owned a small art studio for over 25 years, and sometimes did work for Foster & Kleiser in the form of special jobs. With respect to blight, he said that he had never heard anybody say "Boy, that billboard is a blight!" He said that he and others hired all sorts of people to do their work and therefore thousands of employees would be affected by this proposed ordinance.

Fritz Drieslein, 1300-33rd Avenue, said that he owned his property and therefore was a taxpayer. He said he had just gotten his tax statement today and he did not like to see the billboard industry's taxpaying power leave the city when his taxes continue to increase.

Tom Plant, President of Plant Brothers Contractors at 2789-25th Street for 30 years, stated that he was in favor of the ordinance. He noted that his company had started a project on the waterfront covering a full block, and that a huge billboard was built across the street from it. When he asked the Port why they did this, they responded that they needed the \$500-a-month rent from the sign. Mr. Plant noted that the cost of his project had been increased \$200,000 to meet requirements of the proposed historic district in the area, requirements that he had concurred in.

At this point, Commissioner Starbuck asked whether there were billboards on C-2 property which abutted residential property. Mr. Svirsky responded that there are such cases and that they present problems in that there are many small commercial zoning districts in San Francisco with residential areas adjacent to them.

Michael Harman, 3867 Shamrock, South San Francisco, said that he was born and raised in San Francisco but was part of the great migration out of San Francisco. He pointed out that he did not leave San Francisco because of the billboards, however. He said that he worked for an outdoor advertising firm and was against the ordinance. He had been in outdoor advertising for 14 years and currently made \$20,000 a year and could afford his own house. On October 24,

he noted in the San Francisco Examiner that Supervisor Barbagelata said that San Francisco was in bad shape and he wanted to attract small businesses back to the city. In closing, he pointed out the unemployment rate in San Francisco is 12.2%.

Margot Patterson Doss, representing the Russian Hill Improvement Association, said that her group were "real people" too, in that they represented the upper-middle class in San Francisco and were probably the type of people San Francisco would like to keep. She said that the biggest problem was keeping San Franciscans in San Francisco and that there was sort of a "deja vu" to this hearing, since she thought that she was through with this kind of thing 10 years ago when legislation was initiated to get rid of the signs. She said that tourism in San Francisco was in competition with Switzerland. She noted that Sir Francis Drake Boulevard in neighboring Marin County had an anti-billboard ordinance 25 years before Ladybird Johnson ever came along and that it was a pioneering type of legislation.

James Daley, born in San Francisco 71 years ago, said that he owned a small lot on Sixth Street near Harrison and received income from it. He felt that he represented the forgotten people who depend on this income, and that the billboard industry should be supported.

Donald Wyler, 3004 Clay, with the firm of Gerson Bakar, said that several issues had been brought up among which were those of jobs and blight. He indicated that his firm were developers in the Northern Waterfront area and that they had recently completed two large office projects on Port property which previously had been thought suitable only for billboards. He noted that now there were 1600 employees at work on the site and that therefore this kind of construction provided for employment. He felt that the notion of investment for improvement was applicable to all areas of San Francisco.

Charles Dana, of Danacolors, said that he represented the forgotten people, the small businessmen. He noted that his firm manufactured paint for signs. He pointed out that billboards do not stop construction since they are all based on a lease situation and therefore outdoor advertising is a temporary use. He felt that the City should spend time getting rid of true blight, rather than attacking this situation. He noted that many of the billboard artists are very talented and are also fine artists in the gallery sense. Furthermore, other jobs such as for electricians are provided by the billboard industry.

Phoebe Galciani, Director of International Hospitality Center and residing at 2626 Larkin, said that she had been a resident since 1930. She stated that she knew what visitors love about this city since she sees 5,000 visitors a year who contribute to the improvement of the economic well-being of the city. She thought, like Mrs. Doss,

that the city had come to terms with the billboard issue in 1965. She felt that beauty was a fragile thing and that ugly billboards can take away from the beauty of the city.

Monroe A. Bloom, a native of San Francisco, and whose parents were also, indicated that he was now retired but owned property in the Potrero District which had been in his family for over 100 years. He said that now it was almost impossible to rent anything there and that the only income is from the billboards. He felt that the logic of outlawing all signboards because of some bad ones was tantamount to removing all automobiles from the streets because some are jalopies. He felt that there was a legitimate place for billboards under controlled conditions. He wondered how often the taxpayer received consideration from lawmakers. In response to a question from Commissioner Starbuck, he indicated that he now lives in Hillsborough.

Richard Watson, Chairman of the Urban Design Committee of the Northern California Chapter of the Institute of Architects, said that he was a practising architect in San Francisco. He was concerned about the free-standing signs which seem to pop up in open space areas, as opposed to those which are on buildings. He felt that intrusion in open space involved an encroachment on the view; therefore, open space could also be on the tops of roofs. Additionally, he noted that while open space had decreased, billboards remained the same size, especially in a pedestrian-oriented city such as San Francisco. He pointed out that the public owns public space and has a right to enjoy it.

Earl Moss, President of the Victorian Alliance, said that he and his group supported the ordinance. He presented two pictures showing the difference between views with and without billboards.

Caroline Morrison, President of the Tamalpais Conservation Club, residing at 1048 Union Street, said that she was concerned with the maintenance and enhancement of natural beauty which is so unique in San Francisco, and supports the proposed ordinance.

Marguerite Warren, 1746-32nd Avenue, said that until tonight she thought she lived in a nice neighborhood, but now she has found that she lives in a blighted area, since billboards are there. She offered the suggestion that the city needs outdoor lighting of billboards because it reduces crime, especially on Noriega Street. She said that this would make women safe. She indicated that she would not have made the same point 10 years ago. She pointed out that billboards pay taxes and she was surprised anyone would want to get rid of this tax resource. She also noted that billboards are part of the San Francisco "honky-tonk" that attracts people. This honky-tonk

atmosphere continues to attract tourists, she noted. With respect to the Council of District Merchants Associations, she noted that billboards are a national product. She said she does not feel that she is any more of a captive audience when looking at a billboard than when she reads a newspaper. She said that she uses billboards for herself and that billboards are necessary to provide jobs to keep people here.

Edward Michael, Secretary of the Landmarks Preservation Advisory Board, announced that the nine members of the Board had unanimously voted to support this legislation because of its importance to the work of the Board.

Spiro Kuprinski, an artist, said that billboards are like a jewel on a crown and make the city attractive.

Dr. William Deamer, a private citizen who lives at 2865 Green Street, said that he was a second generation San Franciscan who felt that San Francisco should go a step further than Washington D.C. He noted that the economic arguments regarding this issue were terrifying in terms of what might be done to the city. He said that he wanted to have a beautiful city.

Edward Wilkinson, President of the Northern California Chapter of the American Society of Landscape Architects, said his group supported the ordinance and presented the following letter:

"Our chapter, representing the members and the profession of Landscape Architecture of the northern California area, including many who work and live in San Francisco, support ordinance (#ZT76.6) removal of billboards and urge your passage of the measure.

"Billboards greatly detract from the special beauty for which San Francisco is world famous --- a beauty that is precious to us as well as a great economic value to the tourist industry."

Randy Farrand, from the Batten Barton Durstine and Osborn Agency noted that Foster & Kleiser have the highest reputation in the industry, and thought the ordinance should not be adopted.

Anne Bloomfield, 2229 Webster, representing the Pacific Heights Neighborhood Council, said that this organization was in support of the ordinance.

Harvey Milk, 573 Castro Street, representing the Castro Village Association, said that his group supported the ordinance. He pointed

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out that San Francisco was different from California and from the Bay Area; San Francisco was the first city to stop a freeway, it was the first city to stop high-rise buildings, and now the world will think even more highly of San Francisco if it stops pollution of the eye. In response to criticism against the ordinance, Mr. Milk pointed out that there were many people -- not just one person -- who think billboards create blight. He felt that some jobs must be given up if they lead to pollution. He noted that business people do not want billboards in the suburbs where they live, or downtown on their own buildings.

Clyde Ryan, of Ryan Paint Company, said that he currently lived in Hillsborough but he is a native son of San Francisco. He said that his competitor and he himself supplied \$800,000 worth of paint to the billboard industry. He did not like the distorted view that billboards are full of liquor ads, since many are examples of very fine art work. In addition, he pointed out that billboards can be put on triangular-shaped lots where other structures can not go. He pointed out that Supervisor Feinstein used outdoor advertising when she ran for public office.

Dorothy Erskine noted that the whole evening was characteristic of San Francisco where two sides can freely air their points of view. She said that she hoped these two sides could find a way of communication. She offered two comments: (1) that we should look for a better kind of advertising, and (2) that since high-rises bring more people into the city, and more traffic, advertising can be dangerous in that it distracts people in their travels.

Monroe Bloom asked what effect this legislation would have on election advertising.

Supervisor Feinstein answered that separate legislation had been attempted concerning political signs in San Francisco, but that it has not been met with success.

At this point in the proceedings, Supervisor Feinstein entered into the record a letter from Councilman Marvin Braude of Los Angeles:

"I understand that you have announced your intention to introduce an ordinance to ban billboards in San Francisco County. I thought you might, therefore, be interested in seeing the ordinance which the Los Angeles City Planning Department has proposed here. It would phase out billboards gradually and introduce more strict controls for on-site signs of all types.

"I enclose the Planning Department's proposed ordinance, as well as the environmental impact statement and economic analysis which was recently circulated City-wide. It is now anticipated that the first public hearing on the ordinance will be in September.

"You no doubt know what you are up against. The billboard industry is well practiced over the years in combatting City Hall efforts toward meaningful regulation. I originally introduced a resolution calling for a City ordinance banning billboards in 1970. The billboard industry lobbyists succeeded in burying the proposal in a lengthy Planning Department study until early this year. With the new Bradley administration it should be possible to get a fair hearing on the proposed ordinance; but the industry, realizing it has less influence in City Hall now, has gone to the public on a grand scale, successfully soliciting hundreds of letters from every conceivable individual and organization in the City with an economic interest in maintaining the present lax regulations.

"We, on the other hand, have been able to gain letters of support from homeowners' groups, professional architectural and planning societies, and environmental groups. A new organization called the Citizens' Committee on Visual Pollution was formed specifically to work for public support of the ordinance."

Supervisor Feinstein also submitted a copy of the California Supreme Court decision in City of Escondido vs. Desert Outdoor Advertising (1973).

John Bardis, President of the Inner Sunset Action Committee, said that he was not speaking officially for the organization, but noted that the billboard industry was basically a service industry, and that it was fluid in nature with suppliers not totally dependent upon the industry. He pointed out that the biggest industry in San Francisco is the residential industry and he called on the Commission to support it.

At this point in the proceedings, President Lau asked if there were anyone else in the audience who wished to speak. No one responded. He therefore gave Supervisor Feinstein an opportunity to summarize.

Supervisor Feinstein said that if politics were the reason she entered this battle, the legislation would never be here. She said she must do what she believes is right. She felt that Mr. Wyler and

Mr. Plant gave very good testimony regarding the economic argument against billboards. She pointed out that good things can replace billboards and that no revenues are going to terminate overnight. She reiterated Mr. Milk's statement, that billboards are not found in the better places. She felt that these were the types of fights that are necessary to preserve the beauty of the city. Regarding jobs, she pointed out that there will continue to be jobs in the industry. In fact, she surmised that no one would lose his job. She asked the Commission at least to allow the battle to be waged at the Board of Supervisors; the proposed ordinance deserves the test and should not be killed at the Commission level.

Responding for the billboard industry, Mr. Hupf thanked the audience for its patience. He stated that the Escondido case cited by Supervisor Feinstein did not involve a prohibitive ordinance, and the issues and facts were different. He said that the only places where prohibitory ordinances may have been sustained were small towns. He cited Supreme Court decisions regarding the point that commercial speech is accorded protection by the First Amendment. He felt that the ordinance should stand on its own two feet, and currently it does not.

Commissioner Bierman said that she wanted to know what kinds of owners of properties with billboards would be affected by this ordinance. Mr. Svirsky responded that it would be difficult to get that information in that there was a wide range of types of owners.

Commissioner Carey asked whether the billboard firms were paying gross receipts taxes. Mr. Albert Reid of Foster & Kleiser responded in the affirmative and indicated they had been paying personal property and gross receipts taxes for a long time.

Commissioner Dearman asked if rooftop signs would be exempt.

Supervisor Feinstein responded that the ordinance was directed against off-site signs, and not specifically at roof signs.

Commissioner Bierman said that she felt billboards do not add much to the environment, and she was troubled that the City had not gotten rid of the billboards that were required by law to go by this time. She felt, however, that the Commission should have more time to consider this proposed ordinance. Therefore, she moved that there should be a month or two during which this issue would be under advisement. This motion was seconded by Commissioner Starbuck who said he would like the motion to read 60 days. After discussion, it was determined that the motion and second would put this item under advisement until January 13, 1977.

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Rai Y, Okamoto, Director of Planning, felt that a district or neighborhood approach could be considered as an alternative although he was concerned that the Department perhaps did not have the resources for that approach. He pointed out that other alternatives could be looked at also.

Commissioner Bierman was concerned about the impact of the legislation upon owners of small sign locations.

President Lau felt that this legislation represented a substantial issue, and that there were compelling arguments on both sides. He felt that the Commission needed additional time.

Commissioner Rosenblatt stated that he did not feel an additional hearing would be needed unless there was new ground to be covered.

It was concluded that there would be a staff report given on the afternoon of January 13, 1977, with copies going to Mr. Hupf and his clients and to Supervisor Feinstein beforehand.

Subsequently, it was voted 6 to 0 to continue this matter until January 13, 1977.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Marie Zeller
Acting Secretary

8-76
SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 28, 1976.

The City Planning Commission met pursuant to notice on Thursday, October 23, 1976, at 2:15 p.m., in Room 202, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan Bierman, George Carey, Ina Dearman, Charles Starbuck, members of the Commission.

ABSENT: Commissioner Mellon.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V- Zoning (Assistant Zoning Administrator); Alec Bash, Planning Coordinator; Alan Lubliner, Planning Coordinator; Moira So, Planning Coordinator; Dave Fulton, Planner II; Ralph Gigliello, Planner II; Jim Hirsch, Planner II; and Marie Zeller, Acting Secretary.

The San Francisco Chronicle was represented by Marshall Kilduff; the San Francisco Examiner was represented by Donald Canter; and the San Francisco Progress was represented by Dan Borsuk.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and unanimously passed to approve the minutes of the Regular Meeting of September 2, 1976.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Finance Committee of the Board of Supervisors had met again on the Community Development budget, but did not reach final action, so the matter will again be held over.

The Director announced that another meeting with the staff on departmental organization and management was anticipated, and that he would announce specific dates later.

Reporting on the action of the Board of Permit Appeals, the Director announced that the rehearing of the Doggie Diner had resulted in the City Planning Commission being overruled. Also, the Discretionary Review case at 316-318 Laurel Street was referred back to the Board of Permit Appeals from the Superior Court but has not been scheduled yet due to legal complications.

Commissioner Starbuck suggested that the staff "dust off" the departmental position on Doyle Drive, since the matter was again before the Metropolitan Transportation Commission (MTC). The Director and Dave Fulton, Planner II, indicated that the department is preparing a memo responding to MTC's inclusion of an 8-lane solution to Doyle Drive in its Regional Transportation Plan (RTP) and expressing its disapproval of said inclusion.

The Director reported that the department had written a letter to the City Attorney asking whether temporary employees could be eligible for promotive examinations, and had received a response which said that not only were they not eligible under existing Civil Service regulations, but also it was unlikely that the regulations would be changed.

Commissioner Starbuck requested that the staff prepare a memo outlining the staff involvement in the approval of the Lyman Gee high rise building on Market Street.

EE76.300 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT
REPORT AND STATEMENT FOR THE 1977 COMMUNITY
DEVELOPMENT PROGRAM AND HOUSING ASSISTANCE
PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.

It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and unanimously passed to put this item over to the following week, since the Finance Committee of the Board of Supervisors had not finished its deliberations on this matter.

R76.27 - MASTER PLAN REVIEW OF THE 1977 COMMUNITY DEVELOPMENT
PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT.

It was likewise moved by Commissioner Bierman, seconded by Commissioner Dearman, and unanimously passed to put this item over to the following week.

EE76.263 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT
REPORT FOR THE PROPOSED AMENDMENT TO THE OFFICIAL
REDEVELOPMENT PLAN FOR THE EMBARCADERO-LOWER
MARKET APPROVED REDEVELOPMENT PROJECT E-1, GOLDEN
GATEWAY CENTER PORTION, PHASE III.

Alec S. Bash, Planning Coordinator, introduced this item and referred to amendments to the Environmental Impact Report, commenting on mitigation measures, alternatives, and comments that were received on the EIR, and pointing out that vacancy information was to be added along with economic arguments and

alternative site amendments.

Commissioner Starbuck pointed out that in Appendix B on page 56 the data on getting to work was done in 1970. Mr. Bash responded that those were the best estimates available to the writers of the EIR.

Commissioner Starbuck asked whether both electric and natural gas would be in the project. Mr. Bash responded that staff believed that both would, and had used such an assumption in the EIR, but that such an issue would be speaking to an undefined future project to be allowed by the Redevelopment Agency plan, as amended, and was not specifically a subject for the EIR, which covered only the Redevelopment Plan amendment itself.

Commissioner Dearman asked whether the project would be a condominium. Mr. Bash responded that that was the staff understanding but that again that issue was not spoken to in the EIR or the Plan amendment. Commissioner Dearman asked whether that would not make a big difference with respect to the project, to which Mr. Bash responded that there would be some difference.

At this point in the proceedings President Lau requested Mr. Bash to explain in lay terms the process of the public hearing. Mr. Bash explained that this portion of the public hearing was merely to receive comments on the EIR, and that any comments with respect to the substance of the plan should be made during the following item, the Master Plan referral.

Commissioner Starbuck wondered whether this meeting would be the one in which the Commission might certify the EIR. Mr. Bash responded in the affirmative.

Commissioner Dearman wondered whether the State had submitted any comments regarding this project. Mr. Bash responded that no comments had been received, with the exception of those from the Association of Bay Area Governments.

President Lau asked if there were anyone in the audience who wished to speak to this subject.

Linda Wang, representing the Chinatown Coalition for Better Housing, indicated that there were a number of people in the audience who had come from Chinatown to be at this hearing, and requested a translator for the convenience of both the speakers and the listeners.

Y. B. Leung, in a speech translated by Moira So, Planning Coordinator, pointed out that he had lived 50 years in San Francisco

and that the population kept increasing. He said that he had not seen any new construction for the Chinatown area and it was perhaps the most overcrowded area in the city, with both sanitation and health problems. He requested that the Commission consider housing for Chinatown residents in the Golden Gateway Project.

Linda Wang, Co-Chairman of the Chinatown Coalition for Better Housing, pointed out that this group had been before the City Planning Commission before, but at that time there were different Commissioners. She said that the Coalition for Better Housing saw a potential for housing for the Chinatown people in this project. She felt this was a good idea since 26 percent of the Chinatown housing is overcrowded and it is necessary to provide more housing opportunities for Chinatown residents. She noted that the Golden Gateway Project was only four blocks away from Chinatown and that the EIR did not make a firm commitment to provide for housing for Chinatown residents. She noted that on Page 41, the EIR said that 400 units could become high income units, which, she pointed out, only the wealthy could afford. She felt that at least 20 percent of the units should be low income in accordance with the housing policy of the City of San Francisco.

Moirá So translated this to the members of the audience.

President Lau asked whether anyone was present from the Redevelopment Agency to respond to Mrs. Wang.

William Mason of the Redevelopment Agency, responded that the Agency has been engaged in a program of producing low and moderate income housing. He pointed out that the Golden Gateway Project has certain restraints inherent in it, including the cost of the land. He said that the Redevelopment Agency had discussed the possibility with Community Development and had determined that this idea of providing low and moderate income housing would require a deep subsidy. He rhetorically asked whether one could ask if that is advisable in this case. In addition, he felt that the City should consider whether the occupants would be comfortable in that situation.

President Lau asked whether the cost of this project would be higher than the project at Stockton and Sacramento. Mr. Mason replied that the City has a commitment to make up the cost based on the sale of land and that that price was not based on marked-down land.

President Lau asked Mrs. Wang whether her group had discussed her idea with the Redevelopment Agency, to which Mrs. Wang responded in the negative.

President Lau then queried Mr. Mason as to what he meant when he said that it might not be desirable to have certain people living in the project. Mr. Mason responded that in any development, it would be well to have a minimum size. He indicated that if he himself were a low-income person he would rather live with other low-income people.

John Jacobs, Executive Director of the San Francisco Planning and Urban Renewal Association (SPUR), in an attempt to explain further, pointed out that through SPUR, the original 701 money was obtained for the Stockton/Sacramento site. He acknowledged the fact that SPUR could not sympathize more with the Chinatown community, but pointed out that the land was not unencumbered, even though it looked unimproved, and that therefore it was almost too late to change from the original project. He felt that it would be imprudent to deny this project and pointed out that there was Section 8 money available and that the Department and the Commission should start now plotting out a plan for Chinatown. He admitted that it was a slum, and that there is but one small site for new housing in its. On the other hand, he indicated that SPUR was interested in having a balanced community. He pointed out that developers are shunning San Francisco and that this shows up in the private investment market. He did acknowledge, in closing, that efforts in Chinatown have been lagging.

Commissioner Dearman said that she resented Mr. Mason's inference that poor people only like to live with other poor people. Mr. Mason responded that Chinatown is the scene or some of the most deplorable housing but that he was against tokenism.

Rev. Harry Chuck, Co-Chairman of the Chinatown Coalition for Housing, responding to some of Mr. Jacob's comments; said that much of the policy regarding new housing had encouraged the community in Chinatown to expand beyond the core area. He pointed out that this was a clear space, a space where no one would have to be moved out. He said the SPUR had encouraged the Chinatown residents to go out and seek land on which to build housing and that they have done that.

Rai Y. Okamoto, Director of Planning, in an attempt to clarify some of the points made up to this point, stated that procedurally the comments that were being made applied to the next item on the Master Plan Review, rather than on this item concerning the EIR. He also pointed out that there had been a great many discussions regarding density and that economics might relate to a mid-rise proposal. He indicated that he did agree with the Executive Director of the Redevelopment Agency

on the idea of investigating higher-density housing. He noted that Mr. Arthur Evans, Executive Director of the Redevelopment Agency, expressed that it might be feasible to have low-to-moderate income housing where more density existed. Mr. Mason added that Mr. Evans was interested in economic integration.

President Lau asked whether the developers wanted to revive the administrative agreement between the Redevelopment Agency and the Planning Department to which Mr. Mason responded the developers could do with the building as they proposed but they were actually interested in increased commercial, and in any case, the height was set by the Planning Department.

Joe Perini, the developer of the Golden Gateway Project, pointed out that commercial was necessary to support the development. He noted that he and his group worked some five years with the Commission and that the only plan that was economically viable was the one that had been submitted today. As far as the trade-off idea, he pointed out that the project needed commercial to support itself.

Commissioner Rosenblatt asked whether the information about economic feasibility was public. Mr. Mason responded that a bound report with a cover did not exist, but the Redevelopment Agency had met with the Planning Department and had satisfied themselves the numbers were correct.

Rod Friedman, from Fisher & Friedman, 242 California Street, pointed out that since this was a free form meeting, he would like to give a short history of the project, which he did briefly. He pointed out that the method of financing does not change basic geometry of any project; in other words, it does not matter how you pay for a building, the final results still cost the same.

Commissioner Starbuck asked whether Mr. Friedman envisioned this to be a rental or a condominium project. Mr. Friedman responded that the commercial would be rental and the residential would be condominium.

Commissioner Bierman said that she felt that with respect to the history of the project, she understood that the developers had been working for quite a while, but she felt it was the Commission's responsibility to understand the project and she wished that the developers would understand that this was the reason for the Commission asking so many questions.

Commissioner Starbuck asked what the sales prices of the units were projected to be. Mr. Perrini responded that they would be between \$80,000 to \$150,000 per unit. He pointed out that this was the high rent district.

Mike Dotterwiech, said that he felt that the trade-off idea was an interesting notion. He pointed out that the project in Diamond Heights worked with an economic mix, and felt that the opportunity was there for the developers to do some creative experimentation. He added that he felt that it seemed like a crime not to use the trade-off notion.

John Holmes, of the Telegraph Hill Dwellers, and representing Citizens for Responsible Residents (?), said that he felt that the EIR was based on a maximum concept. He pointed out that the builder was proposing to build a less dense project and that he was in favor of this.

Commissioner Bierman said that she was in favor of the 84-foot height limit if it were necessary. Mr. Holmes responded that he would rather the project stepped back.

Mr. Okamoto pointed out that the congestion around the commercial area would probably be more of a problem than the residential congestion.

Commissioner Bierman pointed out that in the Residential Zoning Study, citizens were constantly crying not to build denser developments.

Mr. Okamoto said that the Commission was dealing with issues that should be handled on the Master Plan Referral level. He then read a portion of a letter which had been received from the Redevelopment Agency that day:

"As we discussed in your office yesterday, I am transmitting to you a copy of my letter to Mr. David Towner, General Manager of the Golden Gateway Center, concerning two of the three remaining block. As stated therein, our position is that prior to design of the two final blocks, an economic analysis will be conducted by an independent party who is mutually acceptable to the developer, the Planning Department, and the Agency to determine if mid-rise residential development is economically feasible. If it is economically feasible and the developer refuses to proceed, we will be forced to select an alternative developer. This is unlikely, however, because the developer has consistently indicated that if mid-rise is economically feasible, Golden Gateway will build it.

'However, in the event that a new developer is required for the last two blocks, we are supportive and will work toward including a portion of the development for socially-oriented housing.

"As we discussed yesterday, I believe that this administrative approach is superior to including more elaborate language in the redevelopment plan than previously proposed concerning economic analysis and provision of low and moderate income housing."

Mr. Okamoto continued by saying that , he felt that the EIR was certifiable based on Mr. Bash's comments and that the rest of the discussion should be dealt with in the Master Plan Review.

Mr. Friedman pointed out that he had been working with everyone and come to the conclusion that the thing to be looked for was individuals being subsidized, not buildings. He pointed out that an 84-foot building was the most expensive since one had to go to expensive pilings after 4 floors and did not get the benefits of highrise condominium prices.

After additional discussion, it was moved by Commissioner Bierman, and seconded by Commissioner Rosenblatt to certify the EIR complete.

President Lau said that he intended to vote against this motion since he felt that some questions had not been adequately answered by the EIR and that the community had not been advised concerning it. He additionally felt that housing would have to be subsidized by commercial and that then housing would be the loser. He felt that the Department should explore with the Housing Authority and the Redevelopment Agency and the neighbors for a more equitable solution.

Commissioner Bierman indicated that she might withdraw her motion because she thought this would be the kind of thing that would be dealt with in the following item.

Mr. Passmore pointed out that the Chinatown Community had seen the Environmental Impact Report.

Commissioner Bierman asked if the Commission did certify the EIR, could they still hold the project in abeyance.

Commissioner Dearman indicated that she would vote "No", because she agreed with everything that President Lau had said and in addition she did not trust the Redevelopment Agency.

In response to a previous question asked by Mr. Passmore, Moira So indicated that the Chinatown Coalition for Better Housing had been informed of the EIR.

President Lau pointed out that the City Planning Commission's position had always been to talk things over with the neighborhood. He felt that there was a crying need for housing and he requested the Redevelopment Agency explore this with the neighbors.

Mr. Perrini indicated that his group had talked with what they considered to be interested neighborhood groups. This plan was the culmination of those talks. He additionally pointed out that the Redevelopment Agency had had two public hearings at which these things could have been brought up.

Commissioner Bierman indicated that she would like to withdraw her motion, and forthwith withdrew it.

Commissioner Starbuck said that there was a problem with a position that had to do with neighborhood concerns over the tower plan, since (the plan did not) mention housing.

Commissioner Bierman pointed out that most of the concerns mentioned were aesthetic, but she felt that housing should be dealt with. Mr. Perrini responded that he did not know how many times you have to study the same project.

Commissioner Bierman indicated that she would like to change her motion and put this item over for two weeks or some reasonable period of time.

Commissioner Rosenblatt pointed out that probably the Commission would then not vote on the following item, today.

Mr. Okamoto pointed out that the EIR was a descriptive document.

Commissioner Rosenblatt indicated that he wanted two weeks to explore the subdivision issue. He asked why it is necessary to have two processes of certification, to which Mr. Bash responded that the Redevelopment Agency was entitled to prepare its own EIR under state law, and that the Department of City Planning was required to prepare an EIR under city law. Commissioner Rosenblatt responded that he felt that it was an unnecessary duplication of effort, and he recommended that the staff explore with the Redevelopment Agency a more efficient process for handling this. Mr. Mason explained that this was probably hard to do. Therefore, Commissioner Rosenblatt made a formal request that the Redevelopment Agency and Planning Department attempt to work out a more efficient process for handling EIR's.

Commissioner Rosenblatt then seconded the motion, previously made by Commissioner Bierman, to hold the issue over for two weeks.

Mr. Passmore recommended that the Commission change that date to November 9, 1976, since action was required by that date.

Commissioner Bierman pointed out that on November 9 there was a special meeting, anyway.

Consequently, both Commissioner Bierman and Commissioner Rosenblatt changed the motion and the second to hold the matter over until November 9.

Commissioner Rosenblatt said that he felt that it would be prudent to communicate to Mr. Evans of the Redevelopment Agency that the Commission would like a reaction from the Redevelopment Agency on this. Mr. Mason responded that the Redevelopment Agency meets every Tuesday and that that could probably be accomplished.

Subsequently, it was unanimously passed to continue the public hearing on the Draft Environmental Impact Report for the Proposed Amendment to the Official Redevelopment Plan for the Embarcadero - Lower Market Approved Redevelopment Project E-1, Golden Gate Center portion, Phase III, until November 9, 1976.

R76.30 - MASTER PLAN REVIEW OF PROPOSED AMENDMENT TO THE OFFICIAL REDEVELOPMENT PLAN FOR THE EMBARCADERO-LOWER MARKET APPROVED REDEVELOPMENT PROJECT E-1, GOLDEN GATEWAY CENTER PORTION, PHASE III.

It was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and passed 5 to 0 to continue this item also until November 9, 1976. Commissioner Dearman was out of the room for this vote.

DR76.36 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 465089 FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING; ELSIE STREET SOUTH OF ESMERALDA AVENUE.

Robert Passmore, Planner V-Zoning (Assistant Zoning Administrator), said that since the last meeting some additional information has been brought in regarding the application for the building on Elsie Street. He pointed out that before it could be considered, however, it was recommended that a Discretionary Review be held. Consequently, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and unanimously passed to hold a Discretionary Review on the Elsie Street project.

DR76.36 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 465089 FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON ELSIE STREET SOUTH OF ESMERALDA AVENUE IF ABOVE REQUEST IS GRANTED.

Ralph Gigliello, Planner II, described the modifications that had been made with respect to the Elsie Street project, including the fact the developer agreed to a 17-foot height limit. Mr. Gigliello handed out the letter with conditions which had been submitted by the Northwest Bernal Block Club and had been agreed to by Vincent Walsh, the developer. The letter contained five specific conditions which were incorporated into the draft resolution which was also put before the Commission.

President Lau asked if there were any neighborhood representatives in the audience who wished to speak to this issue.

Mellissa Saranac, of 111 Lundys Lane, said that the neighborhood had met with Mr. Walsh and had had a very agreeable meeting with him. She pointed out that the reason the neighborhood was now accepting 17 feet -- since it had usually been for 10 feet -- was because of the building's location next to a 36 foot high building. She indicated that the neighborhood wanted to draw permanent guidelines to be used as ground rules so that the neighborhood would not have to take off in the middle of the afternoon again for additional meetings.

Rai Y. Okamoto, Director of Planning, said that perhaps she would assist in making a pitch for funding support through the Board of Supervisors to provide additional departmental staff to accomplish this kind of thing in that the Department was currently constrained because of lack of staff.

Commissioner Starbuck asked Mr. Walsh if his fellow-builders knew that he had agreed not to cut down the trees, to which Mr. Walsh responded that he did not have to cut down any trees for this particular project.

It was then moved by Commissioner Rosenblatt, and seconded by Commissioner Dearman, and unanimously passed Resolution No. 7588 to support the Director's recommendation approving the Building Permit Application No. 465089 with the following conditions:

- "(1) The subject house will be no higher than 17 feet above the Elsie Street curb line.
- "(2) A mansard style roof will be provided to contrast with an existing similar house.

- " (3) Wood shingles will be installed on the front and rear facades.
- " (4) The trees bordering Lot 9 will not be violated or damaged.
- " (5) The developer will explore cantilevering the upper levels back on the lot an additional two feet to break up the flat effect of the building standing together with the existing, neighboring structure."

DR76.38 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459646 FOR A 13-UNIT CONDOMINIUM APARTMENT BUILDING AT 937 UNION STREET, ON A THROUGH-LOT TO MACONDRAY LANE.

Without discussion, it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and unanimously passed to have Discretionary Review on this project.

DR76.38 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459646 FOR A 13-UNIT CONDOMINIUM APARTMENT BUILDING AT 937 UNION STREET, ON A THROUGH-LOT TO MACONDRAY LANE IF ABOVE REQUEST IS GRANTED.

Ralph Gigliello, Planner II, indicated that the Department was recommending that the Commission approve the building permit application with seven specific conditions as follows:

- " (1) Planning Commission approval is for a building containing 13 dwelling units as depicted in plans dated May 5, 1976, and filed with the Department of City Planning as Exhibit 'A', 'Macondray Terrace,' dated May 5, 1976.
- " (2) Parking is to be provided for sixteen (16) automobiles, with sole access from Union Street.
- " (3) Final design of the Macondray Lane facade is subject to review and approval by staff of the Department of City Planning, with special regard for neighborhood concerns about height, scale and materials.
- " (4) A landscaping plan shall be developed in consultation with and subject to approval by staff of the Department of City Planning; landscaping pursuant to such plan shall be installed prior to issuance of any certificate of occupancy for the proposed project.

- "(5) Existing trees in the public right-of-way of Macondray Lane shall be afforded adequate protection from construction equipment and materials; if any damage should occur, trees shall be returned to a healthy condition or replaced with plant material judged by staff of the Department of City Planning with reference to 'a Guide to the Professional Evaluation of Landscape Trees, specimen Shrubs and Evergreen,' by the International Society of Arboriculture adequately to compensate for the loss.
- "(6) Care shall be taken to retain the existing pavement in Macondray Lane; should damage require the replacement of any pavement, such replacement shall be subject to approval by staff of the Department of City Planning with special regard for its texture and color.
- "(7) Project sponsor and its contractors shall limit hours of construction to weekdays between 8:00 A.M. and 6:00 P.M., and shall prevent dust by spray-wetting the site."

Kirk Miller, one of the project sponsors, indicated to the Commission that he had worked with the neighborhood on this project.

Without further ado, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and unanimously passed to adopt Resolution No. 7589 approving Building Permit Application No. 459646 subject to the seven specific conditions mentioned above.

DR76.15 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 458200 FOR THE CONSTRUCTION OF A 16-UNIT CONDOMINIUM APARTMENT BUILDING AT THE NORTHEAST CORNER OF CASTRO AND DUNCAN STREETS.

Ralph Gigliello, Planner II, referred to Proposition J for the preservation for open space with regard to this item. He read the following letter from the Duncan Street Action Committee into the record:

"We appreciate the action of your Commission in postponing until October 28th, the discretionary review of the proposed building on the Northeast corner of Castro and Duncan, thus allowing our request for Open Space to be presented at the hearing scheduled for October 26th.

"However, in exploring this matter with Mr. Martin Greenlaw of the Recreation and Park Department, we were informed that there is no way in which we could obtain any response or decision on this request within the two days which the above dates would allow. We were told that the final decision regarding this matter would not be made until the Recreation and Park Commission and the San Francisco Planning Commission meet jointly to take this action, sometime in December.

"We, therefore, urgently request that the discretionary review scheduled for October 28th be postponed until after this joint meeting is held and a decision made.

"The property under consideration presents an opportunity now, or never, for the City to acquire a magnificent, panoramic view hilltop. We are counting on the Planning Commission to cooperate with us in exploring this opportunity.

"The letter was signed by the following: Joseph Peschilli; Rena Utz; Barbara Francisco; Evelyn Martin; and Elaine Tisell."

Robert Passmore, Planner V-Zoning, (Assistant Zoning Administrator), recommended that the Discretionary Review be held now, and not be continued as requested in the letter.

Barbara Francisco, one of the signators of the letter, said that Diane Hunter had told her that she had gotten in touch with the Commission and that the matter could be put over. President Lau said that he had not heard from Ms. Hunter.

Mr. Passmore said that the recommendation on the draft resolution was that no construction should take place until January, after the findings of the Recreation and Park group were made known.

Commissioner Starbuck said that he understood that the City Planning Commission understood that the Open Space Committee would make a recommendation to this group. Mr. Passmore responded that the applicant was willing to cooperate with this condition.

Ms. Francisco said that the developer was here and she would hate to have the issue hanging since her group felt that even R-1 was too dense for that area.

Gwen Sandrick, the owner of the property, indicated that she and her husband had paid very high taxes on this piece of property for years, actually for nine years. She felt that it was totally unfair for this zoning to change since it had always had been

zoned for apartments. She said that her taxes had gone up to \$1,500 a year which meant that she had been paying \$125 per month just for taxes on the piece of property. She pointed out that in February Mr. Dotterweich and she had entered into an agreement with respect to this property. She said that she was sorry about the traffic problem up there that she felt that her husband and she were not in a position to donate the land..

At this point in the discussion, it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt and unanimously passed to have Discretionary Review.

DR76.15. - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 458200 FOR THE CONSTRUCTION OF A 16-UNIT CONDOMINIUM APARTMENT BUILDING AT THE NORTHEAST CORNER OF CASTRO AND DUNCAN STREETS IF ABOVE REQUEST IS GRANTED.

Ralph Gigliello, Planner II, described the project and indicated that there had been a series of meetings in which a number of issues had come up which he felt that could be the basis for compromise. He indicated that a draft resolution had been placed in front of the Commissioners which contained the following five specific conditions:

"(1) The number of dwelling units shall be reduced to twelve.

"(2) The number of off-street parking spaces shall be increased to eighteen.

"(3) The general scale and bulk shall be as depicted in plans entitled '16 Unit Apt. Bldg. For Dotterweich Constr.," dated April 8, 1976, on file at the Department of City Planning as Exhibit 'A'.

"(4) The grounds shall be landscaped pursuant to a plan to be developed in consultation with and subject to approval by the staff of the Department of City Planning, and the project sponsor shall seek a revocable encroachment permit similarly to landscape the adjacent unimproved Castro Street right-of-way.

"(5) Construction shall not commence prior to January 1, 1977, in order to allow the option of public acquisition of the site, should the site so be designated by joint action of the City Planning and Recreation and Park Commissions."

Mr. Gigliello said that the developer had agreed to the conditions.

Commissioner Starbuck asked Mr. Gigliello when the project first had appeared in the Department, to which Mr. Gigliello responded - April 9, 1976.

President Lau asked if there was anyone in the audience who wished to speak on this issue.

Barbara Francisco, a resident of the area and a signator of the letter, indicated that she had a high regard for the Commission. She wanted it known, however, that her group was not just four crazy women; rather they were here because of a decision of the Department of City Planning and of the City Planning Commission. She indicated that she and her group have had a problem all along and she just wanted a chance to tell about it. She used pictures to explain the difficulty of parking in her area.

Rena Utz, also a signator of the letter, pointed out that the zoning for the area was done in 1959, and now after 15 years, R-1 had been proposed. She felt that the autos from any new project would be funneled down through the very narrow street of Duncan.

Barbara Francisco added that she granted that the developer had compromised but she felt more could be done.

Rai Y. Okamoto, Director of Planning, recommended that the Commission approve the Draft Resolution with the five specific conditions.

A motion was then made by Commissioner Bierman to change Condition No. 5 to read "construction shall not commence prior to February, 1977".

Mike Dotterwiech, developer of the property, when queried on this point, was agreeable to the change of date since he expected a positive response from the Recreation and Park Advisory group.

Subsequently, Commissioner Bierman's motion was seconded by Commissioner Dearman.

Commissioner Starbuck indicated that he was going to vote for the Director's recommendation because he felt that the developer had bent over backwards in this case to accommodate the neighborhood. He pointed out that there was a gamble on both sides with respect to the parcel being designated as open space, however.

Commissioner Rosenblatt asked the developer whether he was going to charge extra for parking in his project. Mr. Dotterwiech answered that he was thinking that the project would be condominium and that the parking spaces would be included as part of the package. Subsequently, it was unanimously passed to adopt Resolution No. 7590 approving the Building Permit Application No. 453200 for the building with the five specific conditions that had been put forward, including the amendment of Condition No. 5 stating "February 1, 1977."

CONSIDERATION OF MODIFICATION TO MAP AND TEXT INITIATED
BY THE CITY PLANNING COMMISSION ON MAY 20, 1976, IN
RESOLUTION NO. 7499:

A. TEXT CHANGES

1. REVERSION OF RH-1 AND RH-(D) REAR YARD STANDARD TO 25% OF THE LOT DEPTH.
2. ELIMINATION OF THE PROVISION THAT ALL STRUCTURES BETWEEN 30 FEET AND 40 FEET IN HEIGHT IN RH-1(D), RH-1 AND RH-2 DISTRICTS BE APPROVED ONLY BY CONDITIONAL USE.

Robert Passmore, Planner V-Zoning (Zoning Administrator), indicated that this had been a subject of discussion of the Implementation Committee of the Commission and that perhaps there was some comment from the Commissioners who had attended that committee meeting. It was the consensus that these items should not be passed, according to the committee.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, to continue the two proposed text changes indefinitely. When the vote was taken, it passed 5 to 0 to continue the items indefinitely. Commissioner Dearman was out of the room when the vote was taken.

" B. MAP CHANGES

- "1. ASSESSOR'S BLOCK 3180, LOT 3; OCEAN AVENUE BETWEEN PHELAN AND PLYMOUTH AVENUES: FROM I TO C-2.
- "2. ASSESSOR'S BLOCK 3180, LOT 1; OCEAN AVENUE BETWEEN PHELAN AND PLYMOUTH AVENUES: FROM I TO P.
- "3. ASSESSOR'S BLOCK 2494A, LOTS 2 THROUGH 29 INCLUSIVE; SOUTH SIDE OF WAWONA STREET BETWEEN 28TH AND 33RD AVENUES: FROM RH-1 TO RH-1(D).

- "4. ASSESSOR'S BLOCK 6964, LOT 27; NORTHEAST INTERSECTION OF GENEVA AND DELANO AVENUES: FROM P TO RH-1.
- "5. ASSESSOR'S BLOCK 3560, LOTS 7 AND 8; MARKET STREET BETWEEN NOE AND SANCHEZ STREETS: ENTIRE LOTS IN C-2.
- "6. ASSESSOR'S BLOCK 2126, LOTS 1, 1A, 2, 2A, 2B, 2C AND 22; EAST SIDE OF 8TH AVENUE BETWEEN ORTEGA AND PACHECO STREETS: FROM RH-1 TO RH-1(D).
- "7. ASSESSOR'S BLOCK 103, LOTS 1, 2, 3, 4, 5, 6, 7, AND 39 AND ASSESSOR'S BLOCK 104, LOTS 23, 24, 26, 27, 29, 30, 31, 32, 33 AND 34; GRANT AVENUE BETWEEN FILBERT AND UNION STREETS: FROM RH-1 TO C-2.
- "8. ASSESSOR'S BLOCK 243, LOTS 1, 2, 3, 4, 5, 5A, 6, 28, 29, 30, 33, 34, 36, AND 37; SOUTHWEST CORNER OF STOCKTON AND SACRAMENTO STREETS: FROM C-3-G AND R-5 TO PR.
- "9. ASSESSOR'S BLOCK 7540, LOT 1; NORTHEAST CORNER OF DIAMOND HEIGHTS BOULEVARD AND ADDISON STREET: FROM PR TO P.
- "10. ASSESSOR'S BLOCK 7537, LOT 60 AND ASSESSOR'S BLOCK 7538, LOT 101; BETWEEN BEACON AND 30TH STREETS: FROM PR TO P.
- "11. ASSESSOR'S BLOCK 6361, ENTIRE BLOCK BOUNDED BY KELLOCH AVENUE, SCHERIN STREET AND VELASCO AVENUE: FROM PR TO P."

Robert Passmore, Planner V-Zoning (Zoning Administrator), briefly explained that items requested for change in the maps were primarily those that had been in error in the first place.

Nicholas Bashkirof, indicated that he had had discussions with Mark Winogrand and others with respect the building envelope for single-family homes and would like to know when the item would be calendared.

John Holmes, representing the Telegraph Hill Dwellers, and Virginia Macchiarini, representing the Upper Grant Avenue Association stated that they were in the audience to testify with regard to these items.

Robert Passmore went briefly through the map changes.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioners Bierman and Dearman, and unanimously passed to adopt Resolution No. 7591 specifically outlining the map changes which were to be amended.

The meeting was adjourned at 6:20 P.M.

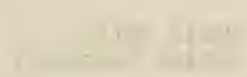
Respectfully submitted,

Marie Zeller
Acting Secretary

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Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Second-class postage paid at Chicago, Ill.



SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, November 4, 1976.

The City Planning Commission met pursuant to notice on Thursday, November 4, 1976, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Robert Feldman, Planner III; Douglas Holman, Planner II; Paul Rosetter, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the minutes of the meeting of October 7, 1976, be approved with corrections.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of the Special Meeting scheduled for 2:15 p.m. next Tuesday, November 9, at 100 Larkin Street. Prior to the meeting, the Budget and Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman, Lau) will meet at 12:00 noon and the full Commission will meet in Executive Session at 1:45 p.m. to consult with representatives from the City Attorney's office concerning litigation which affects the Commission.

The Director noted that the Commission's Regular Meeting on Thursday, November 11, will be cancelled in observance of Veteran's Day.

The Director, advising the Commission of actions taken by the Board of Permit Appeals on the previous evening, reported that the

Board, in over-ruling the Zoning Administrator on one matter, had questioned whether Resolution 7499 which was adopted by the City Planning Commission on May 20, 1976, could legally require compliance with the new residential zoning standards initiated at that time. The Director indicated that he will discuss this matter with the City Attorney's office.

During the Director's report, President Lau arrived in the meeting room and assumed the chair.

Commissioner Rosenblatt presented Commissioner Mellon with a scroll version of Resolution 7564 which had been adopted on September 30, 1976, commending him on his service as Chief Administrative Officer and as a member of the City Planning Commission. Commissioner Rosenblatt also presented him with a silver tray commemorating his years of service on the City Planning Commission.

EE76.300 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT AND STATEMENT FOR THE 1977 COMMUNITY DEVELOPMENT PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.
(Continued from meeting of October 28, 1976.)

Alec Bash, City Planning Coordinator, presented and summarized revisions to Chapter XIII, "Summary of Comments and Responses", of the draft Environmental Impact Report and Statement. Subsequently, he, Mary Klute, representing the Mayor's Office of Community Development, and Robert Passmore, Planner V (Zoning), responded to questions raised by members of the Commission.

Rai Y. Okamoto, Director of Planning, recommended that the Commission certify the completion of the Environmental Impact Report and that it recommend that to the Mayor that he certify the completion of the Environmental Impact Statement.

It was then moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7592 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated November 4, 1976, concerning the 1977 Community Development Program and Housing Assistance Plan for the Community Development Block Grant, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said report in compliance with the California Environmental Quality Act and the State EIR Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the compliance of said Report does hereby find that the project proposed will not have a significant effect on the environment."

At this point in the proceedings, Commissioner Mellon temporarily absented himself from the meeting.

It was then moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7593 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby recommend that the Draft Environmental Impact Statement, dated August 13, 1976, as amended by the addition of Chapter 13 on November 4, 1976, concerning the 1977 Community Development Program and Housing Assistance Plan for the Community Development Block Grant, be found by the Mayor, as the chief executive officer of the City and County of San Francisco authorized to assume the status of a responsible Federal Official, under the National Environmental Policy Act (NEPA), insofar as the provisions of NEPA apply to the HUD responsibilities for environmental review, to be adequately accurate and objective, and that the Mayor CERTIFY THE COMPLETION of said Statement in compliance with the National Environmental Policy Act and the applicable HUD Guidelines."

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

R76.27 - MASTER PLAN REVIEW OF THE 1977 COMMUNITY DEVELOPMENT PROGRAM AND HOUSING ASSISTANCE PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.

(Continued from meeting of October 28, 1976.)

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Since the memorandum to you of October 21, 1976, the Finance Committee of the Board of Supervisors has made a number of revisions to the subject Program. These are indicated in the new alternative entitled 'Revisions Proposed by Finance Committee of the Board of Supervisors,' which has been incorporated in the environmental impact report and statement for the Program.

"The cuts proposed by the Finance Committee in some cases consists of reductions in the administrative budgets of various operating agencies, which may slow the implementation of some projects but not eliminate them. Other cuts result in the elimination of various programs, such as residential rehabilitation study implementation and the neighborhood traffic control program, or in significant cutbacks, such as for renovation of existing recreational facilities, provision of additional neighborhood centers, and continuation of redevelopment project activities.

"Substantial increases have been proposed in the neighborhood commercial district improvement program, and in the Upper Ashbury rehabilitation assistance program (RAP). In addition, two proposed RAP areas have received funding, in the Tenderloin and in Hayes Valley. Finally, new programs have received funding, which include crime prevention, fire equipment, and funding for the Budget Analyst's Office.

"The decreases in funding do not conflict with policies of the Master Plan, although they do in some cases delay or postpone their implementation. The increases with respect to RAP are generally supported by the Master Plan, under neighborhood maintenance and residential rehabilitation policies, but for the proposed new areas, Residence Element Objective VI, to avoid or mitigate hardships imposed by displacement, and Policy 1, to minimize public displacements, must be reconciled with the potential displacement that might occur. (The Element states that for any public program, the City should estimate the amount of displacement expected, and evaluate whether there are alternate public strategies to serve the same program goal with less displacement.) The new programs with respect to police and fire are supported by Residence Element Objective III, Policy 1, for supporting housing with adequate public services, including police and fire."

Mr. Bash then recommended that the Director be authorized to report that the 1977 Community Development Program and Housing Assistance Plan is in conformity with the Master Plan and that, more specifically, the individual Community Development and housing projects described in the application are in conformity with the Master Plan. It was further recommended then that the proposed new RAP areas receive further review with respect to the issue of minimization of public displacement of residents in order to determine whether there are more appropriate alternate public

strategies to serve the same goal. Finally, Mr. Bash recommended that a note be made that certain of the individual projects funded with the Community Development Block Grant funds and certain of the housing projects covered in the Housing Assistance Plan portion of the application would be subject to individual and Master Plan review as specific projects are more fully developed.

At this point in the proceedings, Commissioner Mellon returned to the meeting and reassumed his seat at the Commission table.

Commissioner Rosenblatt noted that the 1977 Community Development Program and Housing Assistance Plan had not yet been reviewed by the full Board of Supervisors; and, insofar as the full Board may make changes in the application, he asked if the Commission should defer its Master Plan Review until final action has been taken by the full Board. Rai Y. Okamoto, Director of Planning, replied that the full Board cannot act on the matter until the Commission has completed its Master Plan Review of the application. However, in declaring the application to be in conformity with the Master Plan, the Commission would not necessarily be approving specific projects proposed in the application.

Commissioner Bierman asked if the Mayor's Office of Community Development felt that the application, as revised by the Finance Committee of the Board of Supervisors, should be certified as in conformity with the Master Plan. Mary Klute, representing the Mayor's Office of Community Development, stated that she was not familiar with the Master Plan; and she suggested that the Commission should take whatever action it considered to be appropriate.

Commissioner Bierman stated that she was concerned about the fact that the Finance Committee had reduced the amount of money which would be available for housing rehabilitation and neighborhood centers; and she felt that it might be wise to postpone action on the matter so that priority recommendations could be formulated for the various projects in the application.

Mrs. Klute advised the Commission that the application must be submitted to the Department of Housing and Urban Development by November 18; and, in view of the deadline, she urged that the Commission act on the matter during the present meeting so that the application can be considered by the full Board of Supervisors next Monday.

The Secretary stated that he had been requested by Mrs. G Bland Platt, President of the Landmarks Preservation Advisory Board, to advise the Commission that her Board had not yet been consulted with

regard to certain projects which would affect properties of concern to them. She also felt that the program should place more emphasis on rehabilitation of housing in the the Western Addition area.

Commissioner Starbuck stated that he would be reluctant to declare the 1977 Community Development Program and Housing Assistance Plan to be in conformity with the Master Plan on the basis of the information which was available to the Commission; however, he indicated that he would be willing to certify them as being in "general conformity" with the Master Plan. He then moved that the Director be authorized to report that the 1977 Community Development Program and Housing Assistance Plan are in general conformity with the Master Plan subject to the provisos which have been mentioned by Mr. Bash. The motion was seconded by Commissioner Dearman. When the question was called, the vote was unanimous.

R76.32 - ACQUISITION OF PROPERTY AT 848 KEARNY STREET (INTERNATIONAL HOTEL). LOT 13 IN ASSESSOR'S BLOCK 195 FOR LOW-INCOME HOUSING.
CONSIDERATION OF CONFORMITY TO MASTER PLAN.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"The proposal is for acquisition by the Housing Authority of the International Hotel, at 848 Kearny Street, Lot 13 in Assessor's Block 195, for use as approximately 150 units of low-income, congregate housing. The building would be acquired by the Housing Authority using approximately \$1,000,000 of the 1976 Community Development Program contingency funds, for resale to the tenants with deed restrictions providing for operation as low-income congregate housing. Any necessary rehabilitation work to meet the basic Housing Code would be done before sale as a condition of the sale.

"The International Hotel is presently owned by Four Seas Investment Corporation, and was acquired by them on March 1, 1974. There is currently a demolition permit outstanding for the property.

"The Residence Element of the Master Plan has a number of policies which support the acquisition of this existing low-income housing resource. Objective I calls for preserving, improving and maintaining the existing housing stock; Policy 4 calls for undertaking public acquisition and rehabilitation where necessary to preserve private housing; Policy 5 calls for conserving housing in non-residential areas, including the downtown; Policy 7

calls for discouraging demolition of housing that is sound or capable of rehabilitation, particularly where they provide a sound, low-cost housing resource. Policy 1 of Objective IV calls for preserving and expanding the supply of low- and moderate-income housing, and in certain cases calls for the City to purchase existing buildings, rehabilitate them, and either sell or rent them at below-market rates. Objective V calls for maximizing housing choice, and under Policy 6 calls for promoting the availability of units suitable for persons with special housing needs and of varied lifestyles; congregate housing with central eating facilities is specifically cited as an alternate form of housing used by many elderly households."

At the conclusion of his report, Mr. Bash recommended that the Director be authorized to report that the acquisition of the property for re-sale as low-income housing would be in conformity with the Master Plan, noting that such a finding would relate only to the Master Plan and City Planning Commission policies.

Commissioner Starbuck asked if acquisition of the property would be in conflict with any of the provisions of the Master Plan. Mr. Bash replied in the negative, but indicated that construction of new low-income housing on the property would be in conflict with the Master Plan policy which states that a concentration of low-income housing in a single area should be avoided.

No one wished to address the Commission on this matter.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the Director be authorized to report that acquisition of the property at 848 Kearny Street (International Hotel), Lot 13, Assessor's Block 195, for re-sale as low-income housing is in conformity with the Master Plan. It was further noted that the Commission's finding relates only to the Master Plan and the City Planning Commission's policies.

R75.19 - SALE OF PROPERTY BOUNDED BY SHAFTER AND THOMAS AVENUES, BETWEEN GRIFFITH AND FITCH STREETS, LOT 1 IN ASSESSOR'S BLOCK 1794.
CONSIDERATION OF CONFORMITY TO MASTER PLAN.
(Continued from meeting of October 7, 1976.)

Alec Bash, City Planning Coordinator, remarked that this matter had been taken under advisement from the meeting of August 26, 1976, to enable the staff of the Department of City Planning to contact the State Department of Parks and Recreation and the State Department

of Transportation to determine if either of those agencies have plans which would involve future acquisition of the subject property. A response had been received from the State Department of Parks and Recreation indicating that review in conjunction with the Candlestick Park Advisory Committee had resulted in a determination that the subject property should be included in the Candlestick Cove Shoreline Park; and it was proposed that the City and County of San Francisco should gift deed of the property to the State of California. The Department of Transportation had responded that the property would not be required for the previously planned Hunter's Point Freeway since plans for that freeway had been rescinded by the California Highway Commission in October. Mr. Bash stated that he had also talked with the Treasurer of the Herbst Estate which had given the property to the City; and the Treasurer had advised him that the estate had intended that the property should be made available for park purposes even though it was deeded to the City without restrictions or conditions. Mr. Bash then repeated the recommendation which he had made on August 26 to the effect that the Director be authorized to report that the sale of the subject property is not in conformity with the Master Plan at this time as the sale may preempt future public use of the land for park or roadway purposes and would prematurely remove public control over its use.

Wallace Wortman, Director of Property for the City and County of San Francisco, stated that the subject property had been used as a dumping ground; and, as a result, the City had asked the Herbst Estate to provide \$10,000 in cash which was used by the City to clean up the property and to fence it. Furthermore, the City had required that the property be donated without any restrictions or conditions. He had asked the Recreation and Park Commission if it wished to have the property transferred to its jurisdiction and had received a negative response. He had also written to the State Department of Resources to determine if the property would be needed for the new state park; and the response had again been negative. Under those circumstances, he had recommended that the property be accepted by the Board of Supervisors. Subsequently, in November, 1975, the Legallet Company had offered \$150,000 to the City for the property; and he had written to the City Planning Commission asking if sale of the property would be in conformity with the Master Plan. The staff of the Department of City Planning had been considering the matter for the past year. He remarked that a large amount of property had already been set aside for the new shoreline park; and he did not feel that the subject property, which is less than a city block in size, would be a meaningful addition to the park. He emphasized that the subject property is not located on the shoreline; and he stated that the Legallet Company felt that the property would make an excellent buffer

between its tannery and the proposed park. Under the circumstances, he urged that the Commission approve the sale of the property as being in conformity with the Master Plan.

Mrs. Andrew Gallagher, representing the Southern Promotion Association, emphasized that the State Department of Transportation had indicated that the subject property would not be needed for the Hunter's Point Freeway since that freeway has been resinded. She had contacted the Director of Public Works to determine if there is any possibility that the property will be required for a new local street in the future. In reply, she had received a letter from Mr. Tatarian indicating that a new local road would probably not be developed in the area for a number of years; and, if such a road is developed, it is not likely that the road would go directly through the subject property. One alternate route for the new roadway might require use of the southeast corner of the property; but the Legallet Company had agreed to accept stipulations regarding use of that portion of the property. In conclusion, she stated that she had discussed the matter with the State Department of Parks and Recreation and had been advised that they had suggested that the City gift deed the property to the State for park purposes only because they had understood that the property will not be required for a Hunter's Point Freeway.

No one else was present in the audience to address the Commission on this matter.

Commissioner Mellon stated that he did not agree with the staff recommendation in this present instance. He noted that the Board of Supervisors and the Mayor had requested the Director of Property to dispose of any surplus City-owned property because of the City's financial situation. Furthermore, the State Department of Parks and Recreation had previously taken the position that incorporation of the subject property into the new shoreline park would not be essential. Since the State Department of Parks and Recreation had not proposed to acquire the property by eminent domain and had merely suggested that the City gift deed the property to the State for incorporation into the shoreline park, he felt that it was obvious that the State still did not regard the property as an essential element of the park. He advised the Commission that the Legallet Company was not proposing to extend its tanning operation, but to use the property for a metal-fabricating operation which would provide jobs and which would serve as a buffer between the tannery and the new park. Finally, he emphasized that the City's deed to the property contains no restrictions or conditions; and, when the property was acquired by the City, there was no indication that park use of the property was contemplated. Therefore, he felt that the sale of the property

should be approved as in conformity with the Master Plan.

Commissioner Bierman asked if the Candlestick Park Advisory Committee felt that the subject property should be incorporated into the new shoreline park. Robert Passmore, Planner V (Zoning), replied in the affirmative.

Commissioner Bierman then observed that the State is spending a great deal of money to acquire property for the new park; and she indicated that she did not feel that the City should object to donating the subject property to the park, especially in view of the fact that the City had obtained the property for free.

Commissioner Finn stated that he shared the sentiments which had been expressed by Commissioner Mellon. He emphasized that sale of the property would broaden the City's tax base; and proposed development of the property would serve as an excellent buffer between the new park and the tannery. Furthermore, the City could instruct the Director of Property to establish whatever conditions might be deemed appropriate when the property is sold. He stated that he was generally opposed to the sale of dedicated park lands; but he felt that the park which is being developed by the State would be adequate without inclusion of the subject parcel of property. Therefore, he felt that the sale of the property should be approved as in conformity with the Master Plan.

Mr. Passmore stated that the City Planning Commission, in reviewing the proposal to accept the gift of the property in 1974, has approved the acquisition of the property as being in conformity with the Master Plan providing that the terms of the transfer would permit the property to be used as a park or for other purposes; and he remarked that the recommendation which had been made by the staff concerning the sale of the property was consistent with the previous action of the Commission.

Commissioner Mellon stated that the Commission had not contemplated transfer of the land to the State without compensation. Mr. Passmore acknowledged that that was true but indicated that there was still a possibility that the State might be willing to pay for the property.

After further discussion it was moved by Commissioner Mellon and seconded by Commissioner Dearman that the proposed sale of the property be approved as in conformity with the Master Plan.

Rai Y. Okamoto, Director of Planning, indicated that he had received a letter from the State Department of Transportation which indicated that that agency, at the request of the San Francisco

Board of Supervisors, will be shortly initiating a study for a conventional roadway in the subject area; and he felt that it would be premature for the City to sell the subject property before the study is completed.

Commissioner Mellon remarked that there was only a very remote possibility that the subject property would be acquired for any new roadway which might be constructed in the area.

When the question was called, the motion failed by a vote of 3 to 4. Commissioners Dearman, Finn, and Mellon voted "aye"; Commissioners Bierman, Lau, Rosenblatt, and Starbuck voted "no".

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried 4 to 3 that the Director be authorized to report that the sale of property bounded by Shafter and Thomas Avenues, between Griffith and Fitch Streets, Lot 1 in Assessor's Block 4794 (Herbst Estate property), is not in conformity with the Master Plan at this time as the sale may preempt future public use of the land for park or roadway purposes and would prematurely remove public control over its use. Commissioners Bierman, Lau, Rosenblatt and Starbuck voted "aye"; Commissioners Dearman, Finn, and Mellon voted "no".

Commissioner Finn then moved that the Commission adopt a policy position opposing the transfer of the property to the State as a gift and specifying that any transfer of the property to the State should be in the form of a sale. The motion was seconded by Commissioner Dearman.

Mr. Wortman stated that he had no intention of recommending that the property be donated to the State by the City; and he noted that the Board of Supervisors and the Mayor have ultimate responsibility in disposing of City property. He also remarked that the State could exercise its eminent domain authority if it wished to acquire the property.

Commissioner Mellon stated that he would not favor adoption of the policy which had been recommended by Commissioner Finn.

Commissioner Bierman stated that she would be opposed to encumbering the property with restrictions at the present time. She remarked that the City had transferred a great deal of park land to the Federal government in recent years. The State is spending a great deal of money to acquire property for the new shoreline park; and, if the Citizens Advisory Committee for the park feels that it is important to include the subject property in the park, she felt that the City should have the option of transferring the property to the State as a gift.

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When the question was called, the motion failed by a vote of 3 to 4. Commissioners Dearman, Finn, and Lau voted "aye"; Commissioners Bierman, Mellon, Rosenblatt, and Starbuck voted "no".

CU76.28 - 897 CALIFORNIA STREET AT SOUTHEAST CORNER OF POWELL STREET.

REQUEST FOR AUTHORIZATION TO CONTINUE A PARKING LOT AND TO ERECT A SIGN; IN AN R-5 DISTRICT (EE76.271).
(Continued from meeting of October 7, 1976).

Thomas Hsieh, representing Mrs. Angelina Alioto, owner of the subject property, indicated that he was present to respond to any questions which might be raised by members of the Commission. He urged that the application be approved.

Commissioner Mellon asked if the owner of the property intends to proceed with a more intensive development of the site in the foreseeable future. Mr. Hsieh replied that his client was actively pursuing a development project; however, he requested that the conditional use authorization be extended for five years.

Robert Passmore, Planner V (Zoning), stated that the staff of the Department of City Planning was concerned about the appearance of the parking lot and the type of signs which were being proposed. Mr. Hsieh replied that he was sure that his client would instruct the operator of the parking lot to consult the staff of the Department of City Planning relative to the design of the signs.

Burton Ladsenohn, representing San Francisco Neon, Inc., stated that he had discussed the proposed signs with the staff of the Department of City Planning and felt that the issue had been resolved.

Mr. Passmore stated that representatives of the Stanford Court had wished to obtain information concerning the signs which would be easier to comprehend than the drawings which had been submitted to the staff of the Department of City Planning; however, he was confident that any problems could be resolved if the operator of the parking lot and his agents were willing to co-operate with the staff. He then recommended that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Mr. Hsieh expressed concern about the possibility that Condition No. 3 of the draft resolution, requiring that the parking lot be screened from surrounding residential properties by a solid

fence or wall, might result in a security problem. Mr. Passmore stated that the fence which presently exists on the property would satisfy that condition, if it is repaired.

Commissioner Rosenblatt, noting that the Department of City Planning had had difficulty enforcing some of the conditions which had previously been established by the Commission, suggested that Condition No. 6 of the draft resolution should be expanded to provide that the required landscaping must be installed prior to the issuance of the permits for the proposed signs. Mr. Passmore agreed that the amendment which had been proposed by Commissioner Rosenblatt would be appropriate.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Mellon, and carried unanimously that the draft resolution, as amended, be adopted as City Planning Commission Resolution No. 7594 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore, as modified.

CU76. 10 - 1 SOUTH VAN NESS AVENUE, SOUTHEAST CORNER OF MARKET STREET.
REQUEST FOR AUTHORIZATION FOR HELISTOPS ON THE ROOFS OF TWO BANK ADMINISTRATION BUILDINGS; IN C-3-G (DOWNTOWN GENERAL COMMERCIAL) AND 320-I HEIGHT AND BULK DISTRICTS (EE76.115).

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe this subject property. The 1 South Van Ness Avenue site contains 2.5 acres and the 1455 Market Street site contains about 1.6 acres. The 1 South Van Ness Avenue site contains the existing Bank of America Data Center; and a new data center is under construction at the 1455 Market Street site. The Bank of America was requesting authorization to operate the existing heli-stop at 1 South Van Ness Avenue atop an eight-story building and to move the operation at a later date to a new heli-stop at 1455 Market Street atop a twenty-one-story building. The facilities would accommodate flights carrying bank documents. The flights from the Oakland Airport would make six stops between 5:00 p.m. and 9:00 p.m. Monday through Thursday and between 5:00 p.m. and midnight on Fridays and five stops between 5:00 a.m. and 8:00 a.m. on Monday through Friday.

David B. Gideon, representing the Bank of America, stated that a noise impact assessment had been prepared for the proposed project by Charles M. Salter, an acoustical consultant; and, based upon its review of that study, the staff of the Department of City Planning had made a finding that the project could not have a

significant impact on the environment and had issued a negative declaration. He noted that authorization had been granted for construction of a helistop on the building at 1 South Van Ness Avenue in 1969; but that helistop had not been used. The new data center will also have a helistop; and it was estimated that use of that helistop would commence in the middle of 1978 with the helicopters bringing checks from all over Northern California for processing. Initially, there would be only one morning flight and one evening flight; however, as many as five morning and evening flights may occur in the future.

Commissioner Starbuck asked if the ambient noise level figures which had been used by the consultant were based on a twenty-four hour period. Mr. Salter, who was present in the audience, replied that the ambient noise levels had been measured at the hours when the helicopter would be in operation; and measurements had been made on two days. In reply to a further question raised by Commissioner Starbuck, Mr. Salter replied that no measurements had been made along the helicopter flight path.

Commissioner Finn asked where the ambient noise levels had been measured and what noise levels had been recorded. Mr. Salter replied that measurements had been made on Waller Street two hundred feet from Buchannon Street where a minimum of forty dbas was recorded and a maximum of forty-eight dbas was recorded, on the 27th floor of the Fox Plaza Building where the minimum and maximum levels were fifty-five and sixty dba respectively, and on Dore Street, off Folsom Street between 9th and 10th Streets where the minimum reading was forty-seven dbas and the maximum reading was fifty dbas.

Commissioner Rosenblatt inquired about the noise level which would be generated by the proposed helicopter. Mr. Salter replied that he predicted that the helicopter would have a noise level of between seventy and eighty dbas, a level which would be comparable to a bus or a truck. In reply to a further question raised by Commissioner Rosenblatt, Mr. Salter stated that he was not sure if a louder noise level would be generated when the helicopter is taking off.

Commissioner Finn asked if he were correct in his understanding that Mr. Salter had not actually made noise measurements of a real helicopter fly-over. Mr. Salter replied in the affirmative indicating that he had used data provided by the Bell Helicopter Company relative to their Model 206A. The Bank of America would actually acquire a new Model 206L helicopter which is supposed to be quieter, but has not been fully tested yet. He stated that the Bank of America had arranged to have a helicopter fly the proposed approach and departure routes at 5:00 a.m. on the previous Thursday; and the

noise measurements which he had recorded were lower than he had predicted and were sustained for a period of only ten seconds.

Commissioner Starbuck asked if it was likely if the helicopter might deviate from its established flight pattern in case of inclement weather. Mr. Salter replied that he could not answer that question.

Mrs. Wright, a resident of the 29th floor of the Fox Plaza Building, stated that she had been awakened by the helicopter flight which had been mentioned by Mr. Salter; and she indicated that she was very apprehensive about the possibility of regular helicopter service to and from the Bank of America Building. She stated that she had been disturbed by the noise generated by the reconstruction of Market Street. However, the noise was of a temporary nature. She doubted that she would be able to continue to live in the Fox Plaza Building if regular helicopter service is initiated even though the Fox Plaza Building is conveniently located.

William Coblentz, representing the Fox Plaza Building, expressed his opposition to the application. He indicated that approximately 700 people, including Supervisor von Beroldingen, live in the Fox Plaza Building; and he was convinced that the proposed helicopter service would be very disruptive to the residents of the building. Although he had represented the Bank of America when it had sought authorization for the helistop on the building at 1 South Van Ness in 1969, he was now prepared to argue against extension of that helistop or construction of the alternate helistop on the new building. He then called on Thomas Oliphant, an acoustical consultant, who had been retained to review the report which had been prepared by Mr. Salter.

Mr. Oliphant summarized the following written analysis of Mr. Salter's report which had been prepared by his firm for Jerry Cahill, Vice-President of the Two Polk Corporation in the Fox Plaza Building:

"I have completed my review of Salter's report and have formulated an opinion as to its accuracy. This opinion is based on preliminary engineering work that I made utilizing our file data on a Bell Model 206A Helicopter. It is evident from the footnotes that the baseline Sound Pressure Levels were taken from measurements this office conducted in May of 1967. These measurements were made under nearly identical conditions as will exist at the 1455 Market Street heliport.

"The criteria used by Salter - I.S.O. Standard R-1996 is not universally recognized by any governmental agency as an accurate means for assessing acoustical impact. ACI weights intermittent helicopter noise exposure completely opposite of the I.S.O. Standard. From past experience it has been found that this type of intermittent noise is more irritating than steady state or classical intermittent noise such as a jackhammer.

"Nowhere in Salter's report does he address the spectral content of the helicopter noise. Propeller and machine noise has most of its energy contained in frequencies below 250 Hz.. An appropriate analysis would have taken into account the helicopter noise and its frequencies from 31.5 Hz. to 8,000 Hz. and related those values to the performance of the sliding glass window systems and walls, 31.5 Hz. - 8,000 Hz.. The resultant values can then be used to accurately determine interior noise levels during helicopter operations.

"The use of the A-weighted network heavily attenuates low frequency energy. Consequently, it is possible to have high dB1. in levels that may result in low dBA levels if most of the acoustical energy is contained in the low frequencies.

"Measurements of ambient noise levels were made by crude methods not reflecting state of the art techniques. The L₁₀-L₉₅ values shown do not reflect normal profiles that we have on file for statistical measurements taken in San Francisco.

"It is absurd to assume logically that 'no impact' will occur with a helicopter taking off a little more than 100 yards from apartments at the designated hours of operations. Using the same base levels used by Salter, ACI Report-Helicopter Noise Survey, May 18, 1967, the following N.C. (Noise Criteria Levels) can be expected per condition at takeoff:

6' Interior From Sliding Window Door - Door Closed	N. C. 50-55
6' Interior Door Open	N. C. 60-65

"The ASHRAE recommended N.C. levels for apartments is N.C. 30-40. These N.C. levels have taken into account frequencies from 63 Hz. - 8,000 Hz.. This means that the N.C. Levels will be raised up to 25 N.C. points or roughly 25 dBA with the open door condition. This is based on an STC of 5 for the open

window door condition and an STC 22 for the closed condition. Sliding glass doors perform poorly acoustically due to lack of proper gasketing and insufficient pane thickness.

"Salter's report attenuated - 20 dBA due to the frequency of operation per day. This is a false assumption because people listening to the noise are incapable of doing this arithmetic function. This - 20 dBA correction accounted for the 'No Impact' evaluation."

In conclusion, Mr. Oliphant stated that the proposed helicopter service may violate the San Francisco Noise Ordinance.

Commissioner Starbuck inquired about the number of floors in the Fox Plaza Building. Mr. Coblentz replied that the building has 29 floors of offices and apartments; and, since the residential units are not air-conditioned, windows and doors are quite often left open. He also remarked that the proposed helicopter flights could also affect residents of other apartments and hotels in the area and might even be disturbing to audiences of the new Performing Arts Center. He felt that actual flight tests should be made for the purpose of recording noise levels; and he believed that the Bank of America should investigate alternate means of transporting its records between the Oakland Airport and the data center.

Commissioner Finn asked if Mr. Coblentz had reviewed the safety factors associated with helicopter flights. Mr. Coblentz replied that the FAA had raised certain safety questions in 1969; and he believed that the safety question should be pertinent to the Commission's deliberations.

Mr. Gideon remarked that it was difficult to talk about the proposed helicopter flights in hypothetical terms; and he felt that the best approach would be to hold unannounced flights so that measurements could be taken and so that the matter could be discussed on an empirical basis.

Mr. Passmore recommended that the subject application be disapproved. He remarked that the noise generated by the helicopters and the flight pattern of the aircraft could be injurious to and interfere with existing and potential future development in the city; and he remarked that the applicant had not shown that the proposal would afford adequate safeguards to prevent offensive noise or to secure the safety of life and property in the event of an aircraft accident along the approach or departure path to and from the site. Furthermore, he did not feel that the applicant had made a sufficient case to substantiate the need for the proposed service. He remarked that the helistops could be used in the case of an emergency without authorization from the City; and the applicant had not shown that

the helistops would be necessary or that the transfer of bank documents from the Oakland Airport by highway vehicle would not be as feasible as by helicopter under normal circumstances.

After further discussion it was moved by Commissioner Dearman and seconded by Commissioner Rosenblatt that the application be disapproved.

Victor Honig, owner of property in the subject neighborhood, stated that he was convinced that the proposed helicopter service would increase noise levels in the area; and he emphasized that alternate means of transportation are available to the Bank of America. He stated that he rents space to a large recording company; and he believed that the proposed helicopter service would interfere with the operation of that firm. In conclusion, he remarked that helicopters have been known to crash from time to time.

Sandra Rosenthal, Administrative Assistant to Supervisor Dorothy Von Beroldingen, remarked that people who live in San Francisco have to put up with a great deal of inconvenience; and she felt that introduction of the proposed helicopter service would be an additional factor which would discourage people from remaining in the City.

Commissioner Finn asked if the proposed helicopter service had been licensed by the FAA. Mr. Gideon replied in the affirmative. He also remarked that use of the helicopters would considerably reduce the number of trucks travelling between the data center and the Oakland Airport.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7595 and to disapprove the subject application.

PRESENTATION OF PROPOSED AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN REGARDING PARKING.

PUBLIC HEARING ON TRANSPORTATION STRATEGY AND PROGRAMS REPORT.

It was moved by Commissioner Dearman, seconded by Commissioner Biernan, and carried unanimously that these items be postponed until the Commission's Special Meeting on November 9, 1976.

At 3:45 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 4:05 p.m. and proceeded with hearing of the remainder of the agenda.

CONSIDERATION OF MODIFICATIONS TO MAP AND TEXT INITIATED BY THE CITY PLANNING COMMISSION ON MAY 20, 1976, IN RESOLUTION NO. 7499 FOR PROPERTY LOCATED AT 1000 CABRILLO STREET, AT NORTHWEST CORNER OF 11TH AVENUE; FROM RH-1 TO RH-2. CU76.35, 1000 CABRILLO STREET, NORTHWEST CORNER OF 11TH AVENUE. REQUEST FOR AUTHORIZATION TO INCREASE FROM 6 TO 9 THE NUMBER OF RESIDENTS IN A RESIDENTIAL-CARE FACILITY FOR BOYS AGED 13 TO 18; IN AN R-2 (2-FAMILY RESIDENTIAL) AND PROPOSED RH-2 DISTRICTS (EE76.327)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a 25-foot frontage on 11th Avenue and a 95-foot frontage on Cabrillo Street. He indicated that the existing 2-level, 3-bedroom dwelling is used by the San Francisco Boys' Home for 6 boys aged 13 to 18, with one staff member in residence. The applicant proposed to add one additional bed to each of the 3 bedrooms. The only alteration resulting from the increased occupancy would be the addition of a second shower head in the bathroom. Since a residential-care facility for more than six persons is first permitted in an R-2 or an RH-2 district, the subject property would have to be returned to its RH-2 classification if the conditional use application were to be approved. He recommended that the proposed residential zoning district map initiated May 20, 1976, be amended and that the property be changed from an RH-1 to an RH-2 district on that map; and he further recommended that the conditional use application be approved subject to four specific conditions which were contained in a resolution which he had prepared for consideration by the Commission.

John Lyons, 681 11th Avenue, stated that he lived in the subject property for more than 50 years. While the neighborhood itself had changed drastically during that time, the subject block has not deteriorated. However, the residential-care facility has not been well maintained; and residents of the facility sometimes use extremely foul language. He advised the Commission that residents of the neighborhood could continue to tolerate occupancy of the building by six boys; but he believed that it would be extremely unfair of the Commission to authorize an increase from six to nine residents.

A woman who lives next-door to the subject property stated that it was disgusting to have to hear the language which is used by residents of the facility, particularly on weekends.

Another resident of the neighborhood stated that he felt that the subject building is much too small to accomodate nine boys and their supervisors.

Michael J. Marovich, Director of the San Francisco Boys' Home, indicated that he was present to answer any questions which might be raised by members of the Commission. He emphasized that an increase of only three boys was being proposed; and the only major modification of the building would be the installation of a life-safety system, which is required by local and state regulations. He stated that the focus of the subject facility is on emancipation; and the boys residing in the facility are acquiring skills which will enable them to live on their own. He advised the Commission that the concerns which had been expressed by residents of the neighborhood had not previously been brought to the attention of his staff. In response to questions raised by Commissioner Starbuck Mr. Marovich stated that the facility is supervised on a twenty-four hour basis; and he indicated that he felt that the space available in the building is adequate for nine boys. He also indicated that some improvements have been made on the property since it was occupied by his organization in February.

Commissioner Starbuck then asked if the staff of the Department of City Planning agreed with Mr. Marovich that the building on the site is large enough to accomodate nine boys. Robert Feldman, Planner II, replied that he was satisfied that each of the bedrooms is large enough to accomodate one additional bed; and he indicated that a TV room, a weight room and a billiard room are available on the ground floor of the building. In reply to a question raised by Commissioner Finn, he stated that there is a full bathroom on the second floor of the building and a toilet on the ground floor level. He stated that he did not know the actual square footage of the building.

Mr. Marovich stated that the building contains 3,129 square feet of living space.

Commissioner Dearman asked where the staff sleeps. Mr. Marovich replied that the staff sleeps in a combination den and office on the second floor of the building.

Commissioner Finn asked if any of the Supervisors serve on twenty-four hour shifts. Mr. Marovich replied in the affirmative, indicating that the supervisors work for three consecutive days and are then off for three consecutive days.

Commissioner Mellon, noting that one of the residents of the neighborhood had stated that the facility tends to be particularly disruptive during weekends, asked why that was the case.

James Kevin, a supervisor of the subject facility, replied that no specific problems had been brought to his attention; however he would be willing to work with residents of the neighborhood to

correct any problems which might arise. He remarked that it is easier to work with teenage boys in smaller groups of eight or nine than in institutional groups of forty or sixty; and it was for that reason that facilities such as the one under consideration are being established. He stated that he had not anticipated any opposition to the application; but he advised the Commission that part of the overall program of the facility is to respond to interests and concerns of residents of the neighborhood.

Another supervisor of the facility stated that he had introduced himself to the next-door neighbors and had not been advised of any complaints.

Mr. Lyon stated that residents of the neighborhood have not objected to occupancy of the building by six boys; however, they did object to the proposed increase in occupancy. He emphasized that the subject neighborhood is a residential area; and he indicated that the facility has had a deteriorating effect on the neighborhood

Commissioner Dearman inquired about the present ethnic make-up of the residents of the facility and was advised that there is Black, Oriental, Caucasian, and Latino representation in the facility.

President Lau remarked that the San Francisco Boys' Home has received a great deal of support from the general community; and its efforts to direct young men into a better life-style have received considerable recognition. However, the Commission was also concerned about the quality of life in the residential areas of San Francisco. He felt that the best approach to take in the present instance would be to approve the conditional use application for a one-year period with the understanding that the authorization would be revoked at the end of that time if the concerns of residents of the neighborhood have not been satisfied during the interim period.

Mr. Lyon stated that he felt the facility would reduce the value of properties in the neighborhood.

Commissioner Finn stated that he was well aware of the good work that has been done by the San Francisco Boys' Home; however, he was concerned about the possibility that the subject facility might be overcrowded if the number of occupants were to be increased to nine.

Commissioner Mellon stated that he had recently visited a family who have twelve children and who live in a house smaller than the subject facility; and he wondered if residents of the neighborhood would be opposed to having such a large family in their area.

He emphasized that the purpose of the subject facility is to provide the boys with a family atmosphere instead of an institutional setting; and he felt that authorization of the increase from six to nine residents for a one-year period would be reasonable.

Commissioner Dearman stated that she had once been a social worker; and, based on her experience in that field, she was satisfied that there was sufficient room in the subject building for nine residents.

Commissioner Bierman stated that she felt that society was better served by housing young people in small residential-type facilities rather than in institutions; and she urged the applicants and residents of the subject neighborhood to work together to achieve compatibility.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7596 be adopted with the following resolve: "Therefore be it resolved that the City Planning Commission finds that the public necessity, convenience and general welfare require amendment of the proposed Residential Zoning District Map initiated May 20, 1976, and that the subject property be changed from an RH-1 to an RH-2 district on said map."

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7597 be adopted and that the conditional use application be approved subject to the four conditions which had been recommended by Mr. Passmore and subject to a one-year limitation.

CU76.36 - 1290 - 5TH AVENUE, NORTHEAST CORNER OF IRVING STREET.
REQUEST FOR AUTHORIZATION TO OPERATE A DAY CARE
CENTER FOR 24 CHILDREN, AGED 2 TO 5 IN AN EXISTING
CHURCH PARISH HALL; IN AN R-2 (2-FAMILY RESIDENTIAL)
AND PROPOSED RH-2 DISTRICTS (EE76.340).

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is developed with a church hall with approximately 2,000 square feet of floor area, and an adjacent parking lot with 2,510 square feet of area, and an outdoor play area with 2,000 square feet of area. The applicant proposed to use the site as a day care center which would serve twelve children between the ages of two and five at its inception with a maximum capacity of twenty-four children. The center would operate from 7:30 a.m. to 12:30 p.m. Monday through Friday and would have at least two paid staff members. If a proposal for AB3059 funding from the State Department of Education is

approved, at least half of the children served will be from families eligible for subsidized child care. Mr. Passmore recommended that the application be approved for a day care program with a maximum of twenty-four children aged two to five years in the existing church parish hall in accordance with standards specified in the City Planning Code.

Anita Martin, the applicant, indicated that she was present to answer any questions which might be raised by members of the Commission.

John Bardis, representing the Board of Directors of the Inner-Sunset Action Committee (ISAC), summarized and submitted the following prepared statement:

"The Inner Sunset Action Committee (ISAC) is deeply concerned about the woeful lack of childcare facilities in the Inner Sunset communities and other neighboring communities around Mt. Sutro, such as the Haight-Ashbury. This acute problem has also been long recognized by employee and student organizations on the University of California campus, but the UC administrative bureaucracy abandoned their responsibility to provide needed support facilities, such as child care, parking, etc., in order to construct medical practice palaces and research towers.

"Diverse people living in the Inner Sunset are fortunate that a group of volunteers have initiated the innovative 'Magic Years Child Care' program as a bold imaginative attempt to solve this pressing community need. This is a true community effort involving members of ISAC, St. John of God Church, Catholic Social Service and other people living in the Inner Sunset communities.

"ISAC supports the conditional use requested and urges the Planning Commission to approve this request.

"At the same time, it is important that the Commission take into consideration ISAC's longstanding efforts to safeguard from nonresidential uses or demolition San Francisco's irreplaceable low and moderate income single family housing stock. This housing stock has already been seriously depleted by: 1) well meaning but poorly conceived and implemented nonresidential uses such as nursing homes, board and care homes, homes for runaways, homes to rehabilitate prisoners, homes for the mentally retarded, etc.; and 2) the demolition of such scarce housing by private developers and public agencies such as the Redevelopment Agency,

Department of Transportation, University of California, and institutions. (During the past month, the University demolished another eighteen irreplaceable low and moderate income single family houses in the Inner Sunset).

"For these reasons, ISAC suggests the Commission review carefully the use of private homes as part of the 'Magic Years' program for the care of infants and avoid taking any action in a way which would jeopardize the careful balance between the need for child care facilities and the equally important need to protect the critically scarce stock of low and moderate income single family housing and the quality of life in San Francisco's communities.

"For this reason, we respectfully suggest the Commission approve the conditional use requested by 'Magic Years' and the St. John of God Church subject to the following stipulations:

- 1) The maximum number of children enrolled and using the St. John of God Hall will be 24 preschool children, and the maximum number of infants enrolled in the affiliated 'Magic Years' infant care program will be 15 infants.
- 2) The conditional use granted to the St. John of God Church will be only applied to the program presently proposed by 'Magic Years'.
- 3) The program remain a nonprofit program involving the extensive use of community volunteers.
- 4) The conditional use granted will be effective only for five years.

"Given the above conditions, ISAC supports the requested conditional use for the St. John of God Hall at 1390 Fifth Avenue. We hope the suggested conditions, which have been acknowledged as reasonable by Mrs. Anita Martin, the representative for 'Magic Years', will assist the Commission in reaching that decision which provides safeguards to the communities' scarce housing stock and quality of life--and at the same time, opens the way for the implementation of this innovative approach toward meeting the need for childcare facilities in the Inner Sunset communities."

Commissioner Bierman asked Ms. Martin if she did, in fact, find the conditions which had been recommended by Mr. Bardis to be acceptable. Ms. Martin replied in the affirmative.

Mr. Passmore remarked that the first of the conditions suggested by Mr. Bardis was already covered by the draft resolution which he had prepared for consideration by the Commission. He considered the second proposed condition to be unnecessary; and he believed that it would be inappropriate for the Commission to require that the program remain a non-profit function as proposed in the third condition.

Commissioner Bierman acknowledged that the first three conditions which had been suggested by Mr. Bardis might not be appropriate or necessary; but she suggested that the Commission should consider placing a five-year limitation on its authorization.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7598 be adopted authorizing a conditional use for the proposed day care program with a maximum of 24 children aged two to five years in the existing church parish hall in accordance with standards specified in the City Planning Code.

DR76.27 - 1126-28 ASHBURY STREET, EAST SIDE, ABOUT 290 FEET NORTH OF 17TH STREET.
DISCRETIONARY REVIEW OF PROPOSAL TO CONSTRUCT A THIRD FLOOR PENTHOUSE TO AN EXISTING BUILDING ABOVE 30 FEET WHEN THE PROPOSED RH-2 DISTRICT, INITIATED BY THE CITY PLANNING COMMISSION ON MAY 20, 1976, WOULD REQUIRE CONDITIONAL USE AUTHORIZATION FOR ANY CONSTRUCTION WITH A HEIGHT OF MORE THAN 30 FEET; IN AN R-2 (LOW MEDIUM DENSITY MULTIPLE RESIDENTIAL) AND PROPOSED RH-2 DISTRICTS.

Robert Passmore, Planner V (Zoning), stated that the subject property is occupied by an existing two-family dwelling with a height of 28 feet. The applicant proposed to add, for the use of the occupant of the top flat, a family room with sleeping alcove and full bath, all above 30 feet. Mr. Passmore stated that the area is zoned R-2 and R-3 (proposed RH-2) and is developed with one and two-family dwellings and a few small apartment houses. The subject property slopes up from Ashbury Street. The roofline of the existing building is approximately 50 feet below the buildings which front on Upper Terrace. Under proposed zoning standards a building may be 30 feet high as a matter of right and may go to 40 feet with conditional use authorization. Until that standard is formally enacted, the Commission is handling such requests under its discretionary review authority with notice of public hearings

being given as in conditional use cases. He stated that Meta C. Lund, owner of the property at 1118 Ashbury Street, which lies adjacent to the subject property on the north, had opposed the proposed addition on the grounds that it would block light from the kitchens and bathrooms on the light well of her building. The staff had looked into the matter and was of the opinion that the proposed addition would have no significant adverse effect on the adjacent property; and, therefore, he was prepared to recommend that the applicant be authorized to add a third floor to the existing two-family dwelling in general conformity with plans on file and in accordance with the standards specified in the City Planning Code and the May 20, 1976, memorandum to the Commission.

Ms. Lund, who was present in the audience, stated that any addition to the subject building would have a minimum height of 10 or 12 feet; and such construction would reduce the amount of light reaching her property. Since the Commission had adopted new zoning standards as recently as May 20, she saw no reason for allowing deviation from those standards at the present time.

Charles D. Stickney, architect for the applicant, stated that shadow studies which he had made had indicated that the proposed addition to the building would affect the next-door neighbor's light-well only during late-morning hours on certain days of the year; and he assured the Commission that the proposed addition would in no way affect her view.

Commissioner Rosenblatt asked Mr. Stickney if he had reviewed the plans for the proposed addition with Ms. Lund. Ms. Lund replied that she had visited the offices of the Department of City Planning to review the plans.

Commissioner Bierman asked if the staff of the Department of City Planning shared Ms. Lund's concerns about the proposed additions. Mr. Passmore replied in the negative, indicating that the staff did not feel that the proposed addition would substantially reduce the amount of light and air available to Ms. Lund's light-well and remarked that the subject building has a light-well which aligns the light-well in Ms. Lund's building.

Joe Westfall, owner of the subject property, stated that he had intended to discuss the proposed addition with Ms. Lund, but had been unable to get together with her.

Rai Y. Okamoto, Director of Planning, stated that he had reviewed the plans for the proposed addition; and the only change that appeared to him to be feasible would be to reduce the size of the proposed closet somewhat.

Commissioner Starbuck inquired about the height of the proposed addition. Mr. Stickney replied that new supports would have to be constructed; and, as a result, the height of the addition would have to be approximately ten feet in order to accomodate an eight-foot interior ceiling space.

Commissioner Bierman asked if it would be possible to modify the size of the proposed closet. Mr. Stickney replied in the affirmative but indicated that he would be reluctant to propose such a modification because of budget problems and because the closet was designed to be converted into a full bathroom in the future.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be taken under advisement until the Commission's Special Meeting on Tuesday, November 9. The Commission requested the staff to arrange a meeting with the applicant and Ms. Lund during the interim to discuss the project.

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

DR76.31 - 259-61 BUENA VISTA EAST, SOUTH SIDE, 30.708 FEET EAST OF PARK HILL AVENUE.
DISCRETIONARY REVIEW OF PROPOSAL TO REMODEL GABLE ROOF AREA OF AN EXISTING BUILDING ABOVE 30 FEET WHERE THE PROPOSED RH-2 DISTRICT WOULD REQUIRE CONDITIONAL USE AUTHORIZATION FOR ANY CONSTRUCTION WITH A HEIGHT OF MORE THAN 30 FEET; IN AN R-2 (TWO-FAMILY RESIDENTIAL) AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the subject property is occupied by an existing two-family dwelling with a peaked roof attic. The applicant proposed to remodel the center portion of the roof to provide a bathroom and patio area. He stated that the subject neighborhood is developed with dwellings and a few small apartment houses. Under proposed zoning standards, buildings may be 30 feet high as a matter of right and may go to 40 feet with conditional use authorization. Until formal enactment of those standards, the Commission is handling such matters under its discretionary review authority with notice of public hearings being given as in conditional use cases. He recommended that the applicant be authorized to remodel the gable roof area of the existing two-family dwelling in general conformity with plans on file with the application and in accordance with standards specified in the City Planning Code and the May 20, 1976, memorandum to the Commission.

Commissioner Rosenblatt asked if anyone were present in the audience in opposition to the application and received a negative response.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7599 be adopted authorizing the applicant to remodel the gable roof area of the existing two-family dwelling in general conformity with plans on file with the application and in accordance with the standards specified in the City Planning Code and the May 20, 1976, memorandum to the Commission.

At this point in the proceedings, President Lau absented himself from the meeting room for the remainder of the meeting. Vice-President Rosenblatt assumed the chair.

DR76.33 - 705 AND 709 FOERSTER STREET, WEST SIDE, 25 FEET NORTH OF MELROSE AVENUE.
DISCRETIONARY REVIEW OR PROPOSAL TO CONSTRUCT TWO ONE-FAMILY DWELLINGS EACH MORE THAN 30 FEET IN HEIGHT WHERE THE PROPOSED RH-1 DISTRICT WOULD REQUIRE CONDITIONAL USE AUTHORIZATION FOR ANY CONSTRUCTION WITH A HEIGHT OF MORE THAN 30 FEET, IN AN R-1 (ONE-FAMILY RESIDENTIAL) AND PROPOSED RH-1 DISTRICTS. (EE76.346).

Robert Passmore, Planner V (Zoning), described the subject property which consists of 2 lots, each having an area of 2,630 square feet with frontages of 25 feet and a depth of 105 feet. The property is vacant with the exception of three small trees which would be removed for construction. The applicant proposed to construct two one-family dwellings, each with a height of 35 feet. Under proposed zoning standards a building may be 30 feet high as a matter of right and may go to 40 feet with conditional use authorization. Until those standards have been formally enacted, the Commission is considering such matters under its discretionary review authority with notice of public hearings being given as in conditional use cases. He stated that the staff had not been aware of any opposition to the proposal; and he indicated that he was prepared to recommend that the conditional use be authorized for the construction of two one-family dwellings adjoining lots in general conformity with the plans on file with the application and in accordance with the standards specified in the City Planning Code and the May 20, 1976, memorandum to the Commission.

Don Stahl, owner of property at 727 Foerster Street, stated that he was opposed to the subject application. He indicated that there are no other buildings with a height of 35 feet in the neighborhood; and he indicated that the subject property, which has a

live spring which runs throughout the year, is unstable. He advised the Commission that several additional people had been present in the audience in opposition to the application but had had to leave because of the lateness of the hour.

A woman who lives in the neighborhood indicated that she agreed with the remarks which had been made by Mr. Stahl.

The owner of the property located at 701 Foerster Street indicated that she was not opposed to development of the subject lots; however, her preference would be to have height of buildings limited to 30 feet. Taller buildings would probably require deeper excavations on the site; and she was afraid that such excavations would interfere with her foundation.

John Englebrecht, 715 Foerster Street, noted that the application indicated that the proposed buildings would exceed a height of 30 feet; but it did not state how high the buildings would rise. He indicated that he was opposed to high-rise buildings.

Mr. Passmore indicated that plans which had been submitted with the application specified that the buildings would have a height of 35 feet. He assumed that the buildings could conform with the 30-foot height limit if they were to be designed with flat roofs rather than with sloping roofs.

Randall Smith, representing the applicant, stated that the Bureau of Building Inspection had confirmed that the buildings would exceed a height of 30 feet even if flat roofs were proposed.

Mr. Passmore advised the Commission that an environmental investigation had been prepared for the proposed project; and he noted that that evaluation stated that the sponsor had agreed in writing to follow any foundation recommendations made by a licensed soil engineer. Mr. Smith stated that the height of the proposed buildings was the result of efforts which had been made to avoid excavating deeper on the site or moving the buildings further back into the slope since either of those operations would be difficult and would require the use of heavy equipment. While he acknowledged that there are no buildings fronting on Foerster Street which have a height in excess of 30 feet, he pointed out that there are some buildings which back onto Foerster Street with frontages on an access road which have heights in excess of 40 feet.

Commissioner Bierman observed that the subject lots will inevitably be developed; and it seemed to her that the type of construction proposed by the applicant would minimize any problems which might result.

Commissioner Finn remarked that the subject neighborhood had always been a problem area for new construction; and he felt that the best approach to development of the subject property would be for the applicant to make a proper soil analysis and to build in accordance with the recommendations of a licensed soil engineer. Under those circumstances, he felt that the least amount of disruption would result.

Commissioner Starbuck asked if the staff believed that approval of a height in excess of 30 feet on the subject properties would result in a "ripple effect". Mr. Passmore replied in the negative, indicating that the two subject lots are located at the end of a row of houses. As a result, there would be no "pop-up" effect as would be the case if the lots were located in the center of a row of houses. Furthermore, he emphasized that a height of 40 feet would be the absolute maximum which could be granted by the Commission.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7600 be adopted and that the conditional use application be granted for the construction of two one-family dwellings on adjoining lots in general conformity with Plans on file with the application and in accordance with standards specified in the City Planning Code and the May 20, 1976, memorandum to the Commission.

Mr. Passmore advised residents of the neighborhood that they could appeal the action of the Commission to the Board of Permit Appeals after the building permit applications for the proposed project have been issued by the Central Permit Bureau.

ZM75.11 - THE PROPERTY TO THE WEST OF RICKARD STREET AND TO THE REAR OF THE TWO PARCELS FROM 142 TO 198 GAVEN STREET.

APPROXIMATELY 2½ ACRES OF VACANT LAND.

M-1 TO AN R-1 OR OTHER APPROPRIATE DISTRICT.

(EE76.83)

(Under advisement from meeting of July 1, 1976).

Robert Passmore, Planner V (Zoning), remarked that residents of the subject neighborhood wished to have the subject property used for some recreational purpose. The staff had hoped to obtain a recommendation on the matter from the Open Space and Park Renovation Fund Advisory Committee regarding the property; but the recommendation had not yet been received. Therefore, he recommended that this matter be continued under advisement until the Commission's meeting on January 6, 1977.

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be continued under advisement until the Commission's Regular Meeting on January 6, 1977.

CU76.27 - 2343 FILLMORE STREET, SOUTHWEST CORNER OF WASHINGTON STREET.

CONSIDERATION OF MODIFICATION OR TERMINATION ON CONDITIONAL USE AUTHORIZATION FOR PETS UNLIMITED, AN ANIMAL HOSPITAL, FIRST AUTHORIZED BY THE CITY PLANNING COMMISSION ON JULY 6, 1972; IN A C-2 (COMMUNITY BUSINESS) DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the City Planning Commission had acted on July 6, 1972, to approve a Conditional Use Application for a veterinary clinic with an animal shelter on the second floor for Pets Unlimited at 2343 Fillmore Street. At that time, the two following conditions, among others, were established:

- "2. Said building shall be converted in such a manner that the average sound level within the building will not increase the average exterior background noise level at any given time at the property line. The plans and specifications for said building, especially with respect to soundproofing of any rooms where animals except those anesthetized would be held or treated, shall bear the certification of an acoustical engineer acceptable to the Department of City Planning that said plans and specifications, if diligently followed, will achieve the above required level of soundtransmission loss.
- "9. Following the completion of the subject building alterations pursuant to the provisions of this Resolution and continuously thereafter during the use of said building as a veterinary hospital, the building shall be so maintained and the business therein so operated that there be no emission therefrom of any offensive odor or noise which will not conform to the limitations of conditions 2 and 3 above. If the Planning Commission finds that there is reasonable ground for believing that this provision is not being complied with, it may require the owner of the subject premises to establish the fact of compliance at his own expense within 30 days after written notice to the owner or operator of said veterinary hospital; if such

compliance can not be shown to the satisfaction of the Commission, the Commission may terminate this conditional use authorization within 30 days and continued operation of a veterinary hospital after that date will be deemed a violation of the City Planning Code."

When the building was occupied, residents of the neighborhood complained about the noise of barking dogs emanating from the building and asked that the source of the annoyance be removed by termination of the use or by adequate soundproofing of the building. On September 5, 1975, the City Planning Commission determined that no violation of the City Planning Code existed because the dogs had been removed from the building. However, during that meeting, the Commission adopted Resolution No. 7377 confirming its intention to terminate the use if a noise problem should occur. A petition for Writ of Prohibition had been filed by Pets Unlimited in an attempt to prohibit further enforcement action by the City; however, that petition was dismissed because Pets Unlimited had not exhausted its administrative appeals.

The dogs had been returned to a facility owned by Pets Unlimited on Sacramento Street. However, the contractor who had remodeled the building at Washington and Fillmore Streets had claimed the Sacramento Street property in payment for services which he had rendered; and the animal shelter had recently been reopened in the new facility. Inspectors from the San Francisco Department of Public Health had measured the sound intensity at the site on Tuesday, November 2, 1976, and their report on the tests made read as follows:

"In compliance with your verbal request noise measurements within the property of Dr. Van Derby, of 2531 Washington Street were conducted by Robert MacDonough, Industrial Hygienist of this Bureau, between the hours of 0700 and 0800 on November 2, 1976.

"A copy of the recorded findings are appended hereto for your information. The findings of these measurements are summarized as follows:

"1. In the center bedroom, opposite the light well, approximately 9 feet from the property line, the sound pressure levels attributable to the sound of dogs barking varied from 48 to 57 dbA. No sound from the dogs showed greater sound pressure than 57 dbA. These measurements were made with the window open. With the window closed the sound pressure levels were very steady at from 41 to 45 dbA with

an occasional peak to 50 dbA from passing muni buses.

"2. In the back bedroom, which has no windows on the side facing Pets Unlimited, the sound pressure levels were recorded at from 40 to 45 dbA. Dog barking was not audible in this room.

"3. It was noted that sound pressure levels from muni buses, over-flying aircraft and private automobiles showed peaks up to 60-62 dbA within the Van Derby residence with the window open."

Commissioner Mellon asked if any additional acoustical work had been done before the dogs had been moved back into the building. Mr. Passmore replied that some additional acoustical work had been done; but no tests had been made and the Department of City Planning had not been invited to inspect the work.

Dr. Don Van Derby, owner of the property located at 2527-31 Washington Street, stated that his property is located immediately adjacent to the Pets Unlimited facility. While the Department of Public Health had made sound tests in the vicinity, the results of those tests were expressed in technical terms and gave no subjective idea of the quality of the sound. Therefore, he had made a 10-second recording of the dogs barking which had been made at 7:30 a.m. on a Sunday morning. He then played the recording for the benefit of the Commission. He remarked that Pets Unlimited had a very major sound problem on Sacramento Street; and he felt that they should have taken steps to correct that problem instead of transferring it to another location. The President of Pets Unlimited had taken the position that responsibility for the Commission's soundproofing requirements rested with the contractor; but he felt that it was clear that the responsibility should rest with Pets Unlimited itself. When the dogs were housed in the building in 1975, the noise problem became intolerable from his point of view; but instead of correcting the problem, Pets Unlimited had removed the dogs to the Sacramento Street facility. A hearing had been held by the Commission after the dogs had been removed; and at that meeting the Commission had adopted Resolution No. 7377 instructing the Department of City Planning to make certain that the dogs were not returned to the facility at 2343 Fillmore Street until additional soundproofing had been installed and tests had been undertaken to establish that the soundproofing would be adequate to assure the facility's compliance with the conditions established by the Commission in Resolution No. 6868. The minutes of that meeting reflected the fact that Mr. Glerum, President of Pets Unlimited, had agreed that the dogs would not be moved back

to the facility until the matter had been discussed with the staff of the Department of City Planning; and he had further indicated that the dogs would not be returned to the facility if the staff were opposed to the proposal. Yet, the dogs had been returned to the facility without the approval of the Department of City Planning and he found himself faced with unending noise which has made his life into a nightmare. He emphasized that he owns a valuable piece of property and that he pays very substantial taxes on it; and he indicated that he was faced with a loss of income if his tenants should be forced to move because of the noise. He urged the Commission to protect the neighborhood from further harrassment by terminating the Conditional Use Authorization for the facility.

John Louis Field, 2561 Washington Street, stated that he is not bothered by the noise and odor problems until he steps outside of his house. Nevertheless, commitments had been made by representatives of Pets Unlimited when the City Planning Commission was considering granting the Conditional Use Authorization for the facility; and he felt that those commitments should be honored. He emphasized that noise problems can be controlled; but he felt that Pets Unlimited had made no serious effort to cope with the problem.

Arthur Andreas, owner of property on Washington Street, stated that he had attended the meeting in 1972 when the Conditional Use Application had been approved and had spoken to the issue of noise and odor-proofing. The attorney who had represented Pets Unlimited at that time had advised the Commission that Pets Unlimited would be willing to spend the money necessary to noise-proof and odor-proof the building; and residents of the neighborhood who had been concerned had been placated by the attorney's oral assurance. Later, when problems developed, residents of the neighborhood had offered to pay for the services of acoustical consultants to advise Pets Unlimited on the proper methods to use in soundproofing the building; but Pets Unlimited had refused to accept that offer. While the noise of barking dogs is particularly disturbing to Dr. Van Derby and his tenant, it has also been a problem for other residents of the neighborhood. Thus far, only 23 dogs have been housed in the kennels; but the kennel has room for a total of 98 dogs. If the kennel were totally filled, he believed that the problem would be greatly intensified. Furthermore, he believed that the odor problem would become a real issue if more than 30 dogs were housed in the facility. Under the circumstances, he urged the Commission to terminate the Conditional Use Authorization for the facility and to instruct Pets Unlimited to odor-proof and soundproof their building.

Maxine Davis, 2506 Washington Street, stated that she can hear the sound of barking dogs from her kitchen.

Neil Glerum, President of Pets Unlimited, introduced Louis Ferrari, a member of the Board of Directors of his organization.

Mr. Ferrari remarked that the tape of dogs barking which had been played by Dr. Van Derby was very dramatic; but he observed that Dr. Van Derby had provided no foundation for the authenticity of the tape-recording. He remarked that Mr. Field had not testified that he could hear the sound of barking dogs within his house; and, although both Mr. Field and Mr. Andreas had raised the issue of odor, he reported that this issue had not been raised previously. While he acknowledged that it was true that Mr. Glerum had agreed in September, 1975, that the dogs would not be returned to the Fillmore Street facility without the approval of the staff of the Department of City Planning, he advised the Commission that Pets Unlimited had experienced financial problems and had faced the possible loss of both of its facilities. The organization had settled the matter by turning its Sacramento Street facility over to its creditors; and the creditors had required that the dogs be removed from the Sacramento Street facility by Wednesday, August 25. Efforts to reach Mr. Passmore of the staff of the Department of City Planning were fruitless; and, faced with the possibility of returning the animals to the Fillmore Street facility or destroying them, the choice had been made to return them to the Fillmore Street facility. In deciding whether it wished to terminate or modify the Conditional Use Authorization, Mr. Ferrari suggested that the Commission should base its consideration on the specific language of Resolution No. 6863 which provided that "The average sound level within the building will not increase the average exterior background noise level at any given time at the property line". He then quoted from the minutes of the Commission meeting of April 24, 1975, as follows:

"Mr. Andreas stated that the acoustic consultant whom he had hired had determined that the ambient noise level at the property line of the subject site is 41 decibels; and the barking of disturbed dogs could have a noise level of 120 decibels. Under the circumstances, the building would have to be fitted with materials capable of absorbing 80 decibels of sound in order not to increase the ambient level of noise at the property line. He stated that he had also hired an expert in the field of odor design who had reviewed plans for the remodeling; and that consultant had found that the plans would in no way protect the adjacent residential neighborhood from odor problems, especially since three fans would be installed in the Washington Street wall of the building which would ventilate directly from the holding room. Furthermore, the ceiling vents in the facility would be inadequate to filter the odors. After the Commission's hearing on July 6, 1972, Commissioner

Fleishhacker had stated that it was the Commission's intention that the facility should emit no sound or odors; and he was convinced that the facility, as planned, would not meet those standards.

"Commissioner Fleishhacker stated that he felt that he was being misquoted by Mr. Andreas since it would be impossible to design the facility in such a way that no odors or sound would be emitted; and he believed that what he had actually said was that it was the intent of the Commission that the facility should be designed in such a way that no offensive odors or disturbing noises would be emitted."

In conclusion Mr. Ferrari stated that Pets Unlimited subscribed to Commissioner Fleishhacker's interpretation of the intent of the Commission; and he stated that his organization was prepared to make a case that the facility presently conforms to that interpretation of the Commission's requirement.

Vice-President Rosenblatt inquired about the period of time during which Pets Unlimited had been in negotiations regarding transfer of its Sacramento Street property to its creditors before it had tried to contact Mr. Passmore of the staff of the Department of City Planning. Mr. Ferrari replied that the negotiations had been underway for approximately 30 days before attempts had been made to contact Mr. Passmore.

Mr. Glerum then called on Robert MacDonough, an inspector for the Department of Public Health, who testified that he had conducted tests and had found that the present occupancy of the Pets Unlimited facility does not violate the Noise Ordinance.

Commissioner Bierman asked if the sound of barking dogs is audible to the human ear on intermittent occasions in the vicinity of the building. Mr. MacDonough replied in the affirmative.

Vice-President Rosenblatt replied that he had been given a copy of the minutes of the meeting of the City Planning Commission of September 4, 1975; and he indicated that the individuals sitting on the Commission at that time had voted unanimously to advise the Zoning Administrator that Condition No. 2 of Resolution No. 6868 was intended to specify that the building to be occupied by Pets Unlimited would be designed so that "no sound of dogs barking within the building could be heard outside the building".

Commissioner Starbuck asked Mr. Mac Donough if the sound of barking dogs could be heard at the property line of Pets Unlimited's facility. Mr. MacDonough replied in the negative, but indicated they could be heard at the roof level.

Commissioner Bierman stated that she had received a number of telephone from citizens who were upset about the noise made by a single marking dog in a neighbor's garage; and she indicated that she could easily understand how the noise of a number of barking dogs housed in the Pets Unlimited facility could be disturbing to residents of the neighborhood in which the facility is located. She emphasized that members of the staff of the Department of City Planning had testified that they were able to hear the dogs barking; and residents of the neighborhood had testified to the same effect. Furthermore, the noise level had been such that Mr. MacDonough had been able to record technical data from them. In her opinion, it was obvious that a problem existed; and she felt that representatives of Pets Unlimited should offer constructive suggestions as to what should be done to resolve the problem.

Commissioner Mellon remarked that the former members of the Commission had done everything possible to give Pets Unlimited an opportunity to resolve the problem; yet, the problem continued to remain.

Mr. Glerum stated that the problem exists only in relation to two bedrooms in the building owned by Dr. Van Derby and only when dogs in the Pets Unlimited facility are barking louder than the prevailing sound level; and he questioned to what extreme Pets Unlimited would be required to go in order to satisfy the concerns of a single individual.

Commissioner Bierman pointed out that Dr. Van Derby's building is located on a common property line with the Pets Unlimited facility; and if there were any meaning whatsoever to the conditions which had been established by the previous Commission, she felt that they could be interpreted to mean that Dr. Van Derby should not have to hear the sound of barking dogs all the time. She remarked that a citizen can seek relief from noise problems created by dogs owned by their neighbors through the police or other public agencies; and she felt that Dr. Van Derby was entitled to some relief through the City Planning Commission. In any case, she noted that other individuals who had spoken or written to the Commission had stated that they were concerned about the noise; and she did not feel that the problem is one which affects only a single individual.

Mr. Glerum stated that there are at least 25 privately owned dogs in the neighborhood; and he remarked that those dogs barked, also. When the authorization for the Pets Unlimited facility had been granted in July, 1972, the only noise requirement established was that the average sound level in the building would "not increase the average exterior background noise level at any given time at the property line"; and he felt that that condition had been satisfied.

Janet Barry, owner of a pet shop on Fillmore Street opposite the Pets Unlimited facility, stated that she had never heard any sound or smelled any odors from the facility. While Dr. Van Derby may experience noise problems, she assured the Commission that the problem is not generally experienced in the neighborhood.

Mr. Glerum submitted approximately 25 signatures which had been obtained from residents of the immediate neighborhood in support of the facility as well as petitions containing the signatures of approximately 200 individuals living within a one mile radius of the site who were requesting that the Conditional Use Authorization be re-affirmed.

Vice-President Rosenblatt asked Mr. Glerum if he were taking the position that Pets Unlimited had done everything it was required to do. Mr. Glerum replied that he was taking the position that Pets Unlimited had done all it was legally required to do under the terms of City Planning Commission Resolution No. 6868. He remarked that Dr. Van Derby's light-well acts as a "resonator"; and he felt that Dr. Van Derby could improve the situation if he were willing to spend some money on his own building. Pets Unlimited had offered to discuss the possibility of erecting a sound barrier; but Dr. Van Derby had indicated that he was not interested in that proposal. He emphasized that a Writ of Prohibition was in effect against the City Planning Commission at the time that the dogs were returned to the Fillmore Street facility; and he hoped that the courts would act in such a way as to resolve the actual meaning of the Commission's Resolution No. 6868. He stated that Pets Unlimited was not taking the position that it would not do anything; but he indicated that the organization was tired of "being picked on" and being asked to spend money. If he had believed that Resolution No. 6868 would have placed a "burden of silence" on Pets Unlimited, his organization would never have purchased the subject property. After Resolution No. 6868 was adopted, there had been no appeal of the Commission's actions; and, as a result, his organization had purchased the subject property for \$350,000 and has spent more than \$200,000 to remodel the building for its own use. Therefore, if the Commission were to revoke the Conditional Use Authorization, it would, in effect, be taking the property by inverse condemnation. In his opinion, the Pets Unlimited facility has caused a problem for only one property owner; and he felt that that property owner should spend some of his own money to help solve the problem. In conclusion, he stated that his organization would probably be willing to share some of the expense which might be incurred by Dr. Van Derby if he were to make improvements in his own building.

Irma Johnson stated that she lives directly across the street from the Pets Unlimited facility. Although her bedroom windows, which face the facility, are always open, she had never heard any

noise from the facility.

Mr. Passmore stated that the City Planning Commission, in approving the Conditional Use Authorization for Pets Unlimited in 1972, had been required by Section 303 of the City Planning Code to make a finding that the proposed use would not be detrimental to the health, safety, convenience and general welfare of persons residing or working in the vicinity; and one of the criteria for that finding was that the use would not generate obnoxious or offensive emissions such as noise, glare, dust, and odor. In that regard, he noted that the minutes of the meeting on July 6, 1972, reflected that the following conversation had taken place between President Newman and Mr. Riordan, who was acting as attorney for Pets Unlimited: "President Newman stated that he lives close to Pets Unlimited's present facility; and he remarked that it is doubtful if there is a noisier place in the City. He asked if Mr. Riordan felt that the situation could be improved in the new facility. Mr. Riordan replied in the affirmative and indicated that Pets Unlimited hoped to eliminate all of the objections which adhered to its present operation. He was confident that the subject building, with additional work by sound engineers, could be noise-proofed." Under the circumstances, the Commission, in adopting Resolution No. 6868, was of the understanding that the conditions established in that Resolution would result in the building being adequately soundproofed. Mr. Passmore acknowledged that the actual language of Condition No. 2 of that Resolution could have been interpreted differently; however, the intent of the Commission had been specifically defined during the meeting of September 4, 1975. He stated that he had not recently noticed the sound of barking dogs at ground level outside of the Pets Unlimited facility. However, he noted that sound rises and that the animal shelter is on the second floor of the facility. He stated that he had heard the sound of barking dogs from Dr. Van Derby's building; and he indicated that he had heard the noise of barking dogs from other properties in the area when the dogs were housed in the facility in 1975. He acknowledged that the noise problem experienced in Dr. Van Derby's building is compounded by a light-well which traps the sound. But, he remarked that Pets Unlimited should have considered that factor when it was making plans for the soundproofing work. He remarked that the Commission, in reconsidering the Conditional Use Authorization, could take any action it might feel to be appropriate; and he indicated that it was the staff recommendation that a draft resolution with the following resolves be adopted:

"THEREFORE, BE IT RESOLVED, That the City Planning Commission finds that the criteria set forth in Section 303(c) of the City Planning Code are not met for the animal shelter on the second floor of the existing building and that

Resolution No. 6868 is hereby MODIFIED to terminate the authorization for the animal shelter and to require that dogs be removed, immediately from the second floor of the building;

"BE IT FURTHER RESOLVED, That the City Planning Commission finds that the intent of the references to sound level in condition number 2 of Resolution No. 6868 was to require that the sound level from any activity in the subject building, whether from the animal clinic or the animal shelter shall be such that the sound of animals, (particularly barking dogs) within the building cannot be heard at any place outside of the property lines of the subject building."

It was moved by Commissioner Finn and seconded by Commissioner Mellon that the draft resolution be adopted.

Commissioner Finn, observing that the case had generated legal action in the past and would probably generate legal activity in the future, asked if the language of the draft resolution had reviewed by the City Attorney. After Mr. Passmore had replied in the negative, Commissioner Finn withdrew his motion and moved that the matter be taken under advisement until the Commission's Special Meeting on November 9 so that the language of the draft resolution could be reviewed by the City Attorney. The motion was seconded by Commissioner Mellon.

Commissioner Starbuck asked if the parameters within which the Commission could act had been clarified with a representative of the City Attorney's office. Mr. Passmore replied in the affirmative but indicated that he agreed with Commissioner Finn that it would be wise to have the actual language of the draft resolution reviewed by the City Attorney's office.

Edward Collins, a Director of Pets Unlimited, remarked that Pets Unlimited had spent several hundred thousand dollars on the subject property based on its interpretation of the language contained in Resolution No. 6868; and he did not feel that the City Planning Commission should have the authority to revoke the Conditional Use Authorization unless there had been a violation of the conditions contained in that Resolution. If any nuisance exists, it is a private nuisance, and not a public nuisance; and, therefore, he did not feel there were sufficient grounds for revocation of the Conditional Use Authorization. He believed that Pets Unlimited has a vested right in its property; and he did not feel that that right should be taken away by the Commission.

Mr. Passmore stated that the Commission had adopted its resolution based on representations made by Mr. Riordan that the building would be soundproofed; and, if Mr. Riordan had misrepresented the facts before the Commission, any vested right which Pets Unlimited might have in the property would be based on the misrepresentation of its agent.

Commissioner Bierman noted that there were a number of individuals present in the meeting room who had not spoken who were probably interested in the case because they find it convenient to take their pets to Pets Unlimited; and she hoped that the parties involved would make every effort to resolve the issue to their mutual satisfaction before the matter comes before the Commission again. Vice-President Rosenblatt also urged that every effort be made to resolve the problem prior to the Commission's next meeting.

When the question was called, the Commission voted unanimously to take this matter under advisement until its Special Meeting on Tuesday, November 9, 1976.

DR76.19 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457954 FOR THE ENLARGEMENT OF A RESTAURANT USE AT 1838 UNION STREET.
(Postponed indefinitely from meeting of August 5, 1976)

Robert Passmore, Planner V (Zoning), recommended that the request for discretionary review be granted. After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the request be granted.

DR76.19 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457954 FOR THE ENLARGEMENT OF A RESTAURANT USE AT 1838 UNION STREET.

Robert Passmore, Planner V (Zoning), stated that the subject property has dimensions of 62.115 feet by 100 feet for a total area of 6211.5 square feet. The property is zoned C-2 and is occupied by a restaurant with wine storage, an office, and some food preparation on the second floor. The applicant proposed to enlarge the restaurant's kitchen in the form of a 12 foot by 16 foot one-story addition at the rear of the building. This would allow the food preparation to be moved from the second floor. Approximately 48 tables would be placed on an existing deck at the rear of the building for outdoor dining. The applicant had discussed covering the outdoor dining area with canvas; but such a covering was not shown on the plans which had been submitted.

Bert Green, representing the applicant, acknowledged that some

noise had been generated by the food preparation activities in the restaurant; however, those activities will be moved to an enclosed kitchen area when the remodeling has been completed. He stated that the tables on the deck at the rear of the building would be of economic benefit to the restaurant; and he hoped that the tables would not generate noise which would be disruptive to the residents of the neighborhood.

Commissioner Finn inquired about the hours of operation of the subject restaurant. Mr. Green replied that the restaurant stopped serving at 10:00 p.m.

Vice-President Rosenblatt asked if the rear yard is flood-lighted at the present time. Mr. Green replied that he did not know the answer to that question. In reply to a further question raised by Commissioner Starbuck, he stated that he did not know what type of lighting is used in the rear yard area at the present time.

Shirley Jacobs, 2823 Octavia Street, advised the Commission that other residents of the subject neighborhood had been present in the audience but had had to leave because of the lateness of the hour; however, she noted that a petition was on file with the Department of City Planning objecting to the open dining area to the rear of the building. She then summarized a letter which she had submitted to the staff of the Department of City Planning and which read, in part, as follows:

"Presently the restaurant operates until 10:30 or 11:00 p.m. A large, open air platform has been built in the restaurant's rear yard, and is used for much of the after-hours, clean-up work and for food preparation (which is illegal) during business hours. As such, during sleeping hours we are subject to abrupt noises such as bottles being broken and crates crushed preparatory to disposal. Floodlights are on from sunset to sunrise. This back yard area is almost completely surrounded by the bedrooms of flats and small apartment buildings on Octavia, Union and Filbert Streets.

"La Cabane proposes to have outdoor dining on this deck, with the necessary fire egress leading through adjacent non-owned property. One of these properties at 1850 Union Street has been the subject of successful abatement litigation on the part of the City to compel compliance with codes, which have not yet been met. We question whether or not you can grant a permit for expansion with reliance upon fire egress into a non-conforming property. We object to outdoor dining and all the noise that it will bring to our bedroom areas. Even now, conversations among employees and portable radios

in the outdoor area are a constant annoyance, particularly during sleeping hours.

"We do not object to the restaurant expanding its kitchen if that is necessary, nor even expanding its dining area, provided it is all enclosed and the noise and odors from the present kitchen vent is in no way increased beyond the present volume.

"Union Street is extremely active with continuous noisy traffic that impacts the living room areas of our dwellings. Indeed, La Cabane is one of those restaurants which offer 'valet' parking which simply means that young boys are hired to preempt whatever parking spaces can be found on the adjacent residential streets. Yet it is a commercial area, and such conditions might be borne provided our sleeping areas are protected."

Commissioner Finn asked if the fire exit which had been proposed by the applicant had been reviewed by the Fire Department. Mr. Passmore replied that he assumed that the plans would be reviewed by the Fire Department before any permit is issued by the Central Permit Bureau.

Vice-President Rosenblatt observed that the plan which had been submitted indicated that the deck would accomodate 12 tables which would seat a total of 40 people. Mr. Green stated that he had felt that only 3 tables were being proposed. He indicated that most of the remarks which had been made by Mrs. Jacobs were factual; however, he advised the Commission that the La Cabane Restaurant had eliminated valet parking some time ago.

John Schmeidel, representing the Pacific Heights Association, urged that the back portion of the property be reserved as open space or that any expansion which is permitted in that area be required to be enclosed.

John Hyatt, representing the Golden Gate Valley Neighborhood Association, stated that his organization was generally supportive of the position which had been taken by Mrs. Jacobs.

Paul Bailey-Gates, Treasurer of the Golden Gate Valley Neighborhood Association, stated that he was not opposed to businesses being located on Union Street; however, he felt that approval of outdoor dining in the rear yard of the subject restaurant might establish a precedent.

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Mr. Passmore stated that outdoor dining would be a permitted use under the City Planning Code; however, the staff believed that such a use on the rear portion on the subject property would create problems. Therefore, he recommended that the Commission adopt a draft resolution with the following resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that any outdoor dining on the existing deck would have a detrimental effect on neighboring properties and that a stipulation prohibiting any use of the deck for outdoor dining, or for any other use except a required secondary means of egress from the building, shall be attached to the approval of building application No. 457954."

Mr. Passmore stated that the restriction, if adopted by the Commission, would also be recorded on the land records of the property. He indicated that the restriction would not prohibit construction of an enclosed building on the rear portion of the property.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7601.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Lynn E. Pio
Administrative Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Tuesday, November 9, 1976.

The City Planning Commission met pursuant to notice on Tuesday, November 9, 1976, at 1:45 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the City Planning Department was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Robert Feldman, Planner III; Jonathan Twichell, Transit Planner III; Ralph Gigliello, Planner II; Edward Green, Planner I; Barbara Sahm, Environmental Review Analyst; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

1:45 P.M. - EXECUTIVE SESSION

EXECUTIVE SESSION TO CONFER WITH MEMBERS OF THE CITY ATTORNEY'S OFFICE CONCERNING PENDING LITIGATION.

Robert Kenealey and Philip Moscone of the City Attorney's office brought the Commission up-to-date on the status of a law suit relating to the use of property at 316-18 Laurel Street. No action was taken by the Commission.

2:15 P.M.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission that a field trip will be scheduled at 1:00 p.m. prior to the Regular Meeting on November 18.

The Director reported that the Planning, Housing, and Development Committee of the Board of Supervisors will meet at 2:00 p.m. next Tuesday, November 16.

EE76.263 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED AMENDMENT TO THE OFFICIAL REDEVELOPMENT PLAN FOR THE EMBARCADERO - LOWER MARKET APPROVED REDEVELOPMENT PROJECT E-1, GOLDEN GATEWAY CENTER PORTION, PHASE III.
(Continued from Meeting of October 28, 1976.)

Alec Bash, City Planning Coordinator, submitted and summarized Chapter III of the Environmental Impact Report which contained a summary of comments received relative to the draft Environmental Impact Report and the staff responses to those comments.

Rai Y. Okamoto, Director of Planning, recommended that the draft Environmental Impact Report be certified as completed.

The Commission then received comments from members of the audience including Linda Wang, representing the Chinatown Coalition for Better Housing; Bill Mason, representing the San Francisco Redevelopment Agency; and Joe Perini, representing the Perini Corporation. It was then moved by Commissioner Starbuck, seconded by Commissioner Bierman and carried unanimously that Resolution No. 7602 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated November 9, 1976, concerning EE76.263, Proposed Amendment to the Official Redevelopment Plan for the Embarcadero-Lower Market Approved Redevelopment Project E-1, Golden Gateway Center Portion, Phase III, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the Completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

EE76.30 - MASTER PLAN REVIEW OF PROPOSED AMENDMENT TO THE OFFICIAL REDEVELOPMENT PLAN FOR THE EMBARCADERO-LOWER MARKET APPROVED REDEVELOPMENT PROJECT E-1, GOLDEN GATEWAY CENTER PORTION, PHASE III.

(Continued from Meeting of October 28, 1976.)

Alec Bash, City Planning Coordinator, stated that the staff of the Department of City Planning had met with the redeveloper for the affected blocks and had observed a meeting between representatives of the Chinatown community and the Redevelopment Agency. The Department had also requested supplemental information from the Redevelopment Agency concerning the feasibility of low or moderate-income housing; and that information had been incorporated into Sections B and C of Chapter XIII, Summary of Comments and Responses, of the Environmental Impact

Report for the proposed project. Mr. Bash stated that the Director was proposing no major changes in the recommendation which he had made to the Commission on October 28, 1976. However, it was suggested that certain sections of page 2 of Exhibit A be revised to read as follows:

"7. NEIGHBORHOOD SHOPPING FACILITIES SHALL BE THE PRIMARY USE AT THE GROUND LEVEL ON THE SOUTHERN FRONTAGE OF BLOCK 167 AND THE WESTERN FRONTAGE OF BLOCK 171, AND THE BUILDING FACADE SHALL BE DEVELOPED TO PRESENT AN IMAGE OF CONTINUITY OF PEDESTRIAN-ORIENTED SHOPPING ALONG SUCH FRONTAGES: NO VEHICULAR ACCESS TO PARKING SHALL OCCUR ACROSS THOSE FRONTAGES.

"9. THERE SHALL BE VISUAL AND PEDESTRIAN ACCESS BETWEEN DRUMM STREET AND THE EMBARCADERO ALONG THE EXTENDED RIGHT-OF-WAY OF PACIFIC AVENUE.

(c) Parking AND LOADING Requirements. There shall be provided in the residential area, off-street parking spaces as follows: One for each three dwelling units containing no bedroom; one for each two dwelling units containing one bedroom; and three for each four dwelling units containing two or more bedrooms. RESIDENTIAL PARKING SHALL NOT EXCEED TWO PARKING SPACES FOR EACH DWELLING UNIT. OFF-STREET PARKING IS NOT REQUIRED FOR OTHER USES. ACCESSORY PARKING SHALL NOT EXCEED 7% OF THE TOTAL GROSS FLOOR AREA OF THE NON-RESIDENTIAL FACILITY FOR WHICH IT IS PROVIDED."

Commissioner Starbuck, noted that page 2 of the Director's October 28 memorandum on this matter indicated that an economic analysis of the feasibility of providing economic integration in the proposed project would be made by the Redevelopment Agency on an administrative basis; and he asked if such a study could, in fact, be made on an administrative basis. Mr. Bash replied that a letter from Arthur Evans, Executive Director of the San Francisco Redevelopment Agency, which was included in Appendix C of Chapter XIII of the Environmental Impact Report provided a fuller outline of what the Agency intended to do administratively.

Commissioner Starbuck then asked if economic integration of the project would be possible if it were demonstrated that more density than was proposed would be economically feasible. Rai Y. Okamoto, Director of Planning, replied that economic integration would not necessarily occur even if the project were to be constructed at a higher density.

Commissioner Starbuck then remarked that concerns which had been expressed by neighborhood representatives would not be satisfied unless economic feasibility studies are undertaken; and he asked how the Commission could continue to monitor the matter once it has ruled on the Master Plan conformity of the project. Robert Passmore, Planner V (Zoning), replied that the cooperation agreement between the

City and the Agency requires that City ordinances be modified to be consistent with approved redevelopment plans; and, as a result, the City Planning Commission would have no further jurisdiction over the matter once it has acted on the Master Plan referral. However, he felt that both the Redevelopment Agency and the staff of the Department of City Planning would have a commitment to pursue the economic feasibility studies on an administrative level.

Commissioner Starbuck, addressing the redeveloper, explained that the Commission was having difficulty understanding why a project with greater density and economic integration of housing would not be feasible. While he acknowledged that construction costs would be at current prices, he stated that it was his understanding that the land had recently been purchased at a price established in 1962. Joe Perini, representing the Perini Corporation, replied that the value of land is directly related to the development which is possible on it.

The Director noted that Linda Wang, representing the Chinatown Coalition for Better Housing, had appeared before the Commission during the consideration of the Environmental Impact Report for the project and had requested the Commission to do the following:

"1) in view of the time constraints to pass on the EIR for Golden Gateway Phase III on the conditions that (1) the economic feasibility analysis proposed by the Redevelopment Agency for the final two blocks include an analysis of the financial feasibility of economic integration of the development, including the feasibility of study units which could house elderly and (2) if shown to be economically feasible, that the project be economically integrated.

"2) that the Commission instruct the City Planning staff to devise some means of applying Section 1341 of the City's Subdivision Code in the event that developers choose to build condominium units at high cost.

"3) in the future, particularly in the EIR of projects which use public funds or lands, such as Golden Gateway, that the Planning Commission require the reports to address the social impact of such projects. According to the California Environmental Quality Act, Title XIV, paragraph 15012,

'While CEQA requires that major consideration be given to preventing environmental damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. Economic and social information may be included in an EIR or may be presented in whatever form the agency desires.'

In reply to those requests, the Director stated that he felt that an analysis of the financial feasibility of economic integration of the development could be undertaken in conjunction with the economic feasibility analysis proposed by the Redevelopment Agency; and, if the economic feasibility of economic integration of the development is demonstrated, he believed that economic integration should be considered by the developer and the Redevelopment Agency. Finally, he stated that the staff would be willing to consider requiring the submission of information relating to the social impacts of proposed projects.

Commissioner Dearman asked how the staff would obtain funding for the economic studies. The Director replied that he expected that the studies would be funded by the Redevelopment agency or by the developer.

The Director suggested that the Commission might wish to amend the following language at the end of Section 804 (a) of the proposed amendments to the Redevelopment Plan; "where neighborhood shopping, general commercial and office uses are developed with residential uses, residential shall be the primary use and shall take precedence over other permitted uses upon development to the extent that the Agency shall find such precedence to be economically feasible. The residential use shall provide economic integration of housing to the extent that the Agency determines it to be economically feasible. Any available publicly assisted finance programs should be utilized by the developer to provide insofar as is feasible economically an integrated housing development."

Mr. Perini stated that the proposal for the development in its present form had resulted from requests from the Mayor, the Board of Supervisors, the Redevelopment Agency, and neighborhood groups, all of whom had requested that the project be scaled down in size. In fact, he indicated that the City Planning Commission had adopted a resolution in 1973 making the same request. After a three-year period of negotiations, planning, and studies, he and his associates had arrived at the present proposal which seemed to be the only one which would be acceptable from all points of view. He stated that the Redevelopment Agency had signed a Land Disposition Agreement which involved the construction of 250 units on the site and not 400 units; and the agreement had also specified a time-table for land "take-down" and construction. When that agreement had been signed, he and his associates had not contemplated the necessity of a lengthy economic analysis; and he hoped that the Commission would approve the project, as proposed, as being in conformity with the Master Plan without establishing a requirement for further study. He then called on David Towner, General Manager of the Golden Gateway, to explain why construction of low-cost housing in the project would not be economically feasible.

Mr. Towner explained the land costs and construction costs which would be related to each of the dwelling units being proposed, including construction of a two-story podium which would include garage space. At the conclusion of his summary of the expenses involved, he estimated that the composite cost of each of the dwelling units would be \$59.33 per square foot as contrasted with the composite cost of \$37.00 per square foot for dwelling units built in Phases I and II of the

Golden Gateway project in 1962 through 1966. The dwelling units which were constructed in Phases I and II are presently renting for 50¢ a square foot; but the average rental rates of units in Phase III would have to be approximately 70¢ a square foot. If a higher density project were to be constructed, an entirely different mode of development would have to be utilized. Furthermore, apartment developments have proven to be only 80% efficient while private residences built for sale have proven to be 100% efficient. Construction of 400 units, the maximum allowable, would be the most economically infeasible of the alternatives which had been considered by his firm because such a project would require high-rise buildings on pile foundations with life-safety provisions. If 400 units were to be required, the only way to make the project feasible would be to construct a sixty-story building with more than 400 dwelling units and to include office space in the building.

Commissioner Rosenblatt inquired about the sales price of an average unit in the proposed project. Mr. Towner replied that an average unit would contain 1500 square feet of floor area; and, based on his estimate of construction costs of \$60.00 per square foot, the sales price would be in the area of \$90,000.

Mr. Perini remarked that there would be no way to make "mid-rise" construction pay for itself unless "astronomical" rental rates were charged.

Commissioner Rosenblatt then asked if comparison could be given of the construction costs which would be related to a mid-rise project or a high-rise project versus the construction costs for a low-rise project. Mr. Towner replied that the construction costs for a mid-rise project would be approximately twice the cost of a low-rise project. High-rise construction, in the nature of a sixty-story building, would be only slightly higher than low-rise construction on a per square foot basis. He also remarked that high-rise units command higher sales prices than low-rise units.

Mr. Perini stated that apartment construction is not feasible at the present time because rental rates are so high that new rental units are not being absorbed.

Commissioner Rosenblatt observed that there must also be a limited supply of people who can afford to purchase new housing at present rates. Mr. Towner acknowledged that that was true.

Mr. Perini stated that representatives of his firm had met with the staff of the Department of City Planning to discuss the Director's recommendation; and he indicated that they would not be able to live with some parts of the recommendation. He stated that the Redevelopment Agency had always encouraged his firm to provide as much residential parking on the site as possible; and he objected to the staff recommendation which would allow a maximum of 7% of the gross floor area of non-residential uses to be used for accessory parking. In his view an adequate amount of parking space would be essential to enable his firm to rent the commercial space; and the staff recommendation would require reducing the amount of commercial parking proposed by one-third. In addition, the staff recommendation for

provision of visual and pedestrian access between Drumm Street and the Embarcadero along the extended right-of-way of Pacific Avenue would interfere with proposed tennis courts and would ruin a recreational area which had been designed to serve the residential portions of the project. In any case, he observed that easy access to the Embarcadero would be available to the north of the project. While his firm had supported an economic feasibility study from the outset, he felt that the final decision as to economic feasibility had to rest with them regardless of whatever agencies may be involved in the study. In that regard, he noted that it would be to the advantage of his firm to provide as many dwelling units as possible as long as the additional units do not destroy the economic feasibility of the project. In conclusion, he urged the Commission to approve the project as outlined in the agreement between the Redevelopment Agency and his firm.

Linda Wang, representing the Chinatown Coalition for Better Housing, urged that the Commission incorporate into its recommendation the additional language which had been suggested by the Director. She emphasized that her organization was not taking the position that low and moderate-income housing should be included in the project if the inclusion of such housing would make the project economically infeasible.

Mr. Passmore stated that the Department of City Planning was allowing installation of the number of off-street parking spaces called for in the redevelopment plan throughout the entire Golden Gateway Project; however, he indicated that it would be consistent with policies being developed by the Department of City Planning to discourage the provision of additional off-street customer parking in the subject project.

Commissioner Bierman asked why the staff had recommended that access be provided between Drumm Street and the Embarcadero along the extended right-of-way of Pacific Avenue. The Director replied that such access would provide the project with visual relationship to the water and would provide a way for pedestrians to get to the water. He felt that it would be possible to redesign the project to provide that access.

Mr. Perini stated that his firm had spent approximately 7½ million dollars on plans and studies for development of the property before law suits ensued. He stated that those expenditures had already been written off and that they would not be charged to the project now being proposed.

Commissioner Mellon felt that the Commission should consider the desirability of retaining the proposed recreation area with alternate access to the Embarcadero available around the north side of the project.

Mr. Perini stated that the recreational area was being proposed as an amenity for residents of the project; and he remarked that the recreational area would be difficult to control if a wide pedestrian path had to be provided through the middle of it. He realized that plans which had been prepared would cut off the

view of the Embarcadero, but he noted that all of the views from the residential units would be oriented towards the center of the project.

Commissioner Bierman moved that the recommendation of the Director, including the additional language suggested by the Director during the course of the hearing be approved. The motion was seconded by Commissioner Dearman.

Commissioner Mellon noted that Mr. Perini had stated that his firm would be willing to participate in economic feasibility studies but wished to be in the position of making a final determination on the question of economic feasibility for themselves; and, in view of the fact that the Perini Corporation would be providing the money for the project, he felt that it would be appropriate to leave the final question regarding economic feasibility up to that firm.

The Director stated that nothing in the staff recommendation would oblige the developers to accept someone else's judgement in regard to economic feasibility.

Commissioner Bierman stated that she was of the opinion that the recommended amendments to the Redevelopment Plan would be necessary to bring the Plan into accordance with the standards of the Master Plan.

When the question was called, the Commission voted unanimously to authorize the Director to report that the proposed amendment to the Redevelopment Plan for the Embarcadero-Lower Market Approved Redevelopment Project E-1, Golden Gateway Portion, Phase III, is in conformity with the Master Plan providing that the recommendations made by the Department of City Planning are fulfilled.

EE76.167 - PUBLIC HEARING ON AN APPEAL OF A NEGATIVE DECLARATION
(ENVIRONMENTAL REVIEW) ISSUED BY THE DEPARTMENT OF CITY
PLANNING FOR THE CONSTRUCTION OF A TAIPEI PAVILION IN
GOLDEN GATE PARK.

Ralph Gigliello, Planner II, summarized the findings of the Department of City Planning which had led to the issuance of the Negative Declaration for this project on October 8, 1976. He indicated that the appeal was received on October 25, 1976, and had been signed by Ray A. Clary, Jeanne Lippay, Richard Hansen, and A.R. Roderick. He then responded to questions raised by members of the Commission.

The Commission received and responded to comments made by James C. Rogers, Assistant Superintendent of Parks for the Recreation and Parks Department; Lim P. Lee, representing the San Francisco-Taipei Sister Cities Committee; George Fitts, also representing the San Francisco-Taipei Sister Cities Committee; Ray Clary; Jeanne Koelling, representing the San Francisco Chapter of the Friends of the Earth; Michael Sunu, representing the San Francisco Ecology Center; Richard Hansen, President of the Preservation Hall Democratic Club; and Dorylyn Crocker.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried 4 - 3 that Resolution No. 7603 be adopted finding that the proposed project might have a significant effect on the environment, overruling the Negative Declaration issued by the Department of City Planning, and ordering the preparation of an Environmental Impact Report for the project. Commissioners Bierman, Dearman, Rosenblatt, and Starbuck voted "Aye; Commissioners Finn, Lau, and Mellon voted "No".

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

At 4:40 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 4:50 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Mellon was absent for the remainder of the meeting; and Commissioner Dearman was temporarily absent from the meeting room.

DR76.32 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO.
453344 FOR THE CONSTRUCTION OF A 63-UNIT APARTMENT
COMPLEX AT 2120 STOCKTON STREET.
(Continued from Meeting of October 21, 1976.)

Ralph Gigliello, Planner II, stated that Gene W. Lam had written a letter to the Commission to describe the negotiations which had taken place since the last Commission meeting on this matter; and he summarized the letter which read as follows:

"As a result of the Commission Hearing on October 21, 1976, we contacted the neighborhood representative Mr. Bruce Lilienthal in further attempt to arrive at an acceptable solution. On November 4, 1976, we attended a neighborhood meeting. During this meeting, Mr. Lilienthal communicated to us their demands as follows:

- "1. They want a condominium project on the subject property.
- "2. Density to be reduced to between 28 and 40 units.
- "3. Reduce the building on Midway Street to 3 stories in height.
- "4. Eliminate pedestrian entrance on Midway Street.
- "5. They do not like stucco on the exterior - not suitable.

"The following is our analysis of these demands:

- "1. There are some smaller condominium projects in the order of 6 to 12 units available further up Telegraph Hill which are being absorbed by the market reasonably well. However, the location of the subject property and the number of units are not comparable to those

up on Telegraph Hill. The subject project is comparable to Telegraph Landing Condominium which is not being received too well. We do not believe there is a demand for this number of condominium units in this neighborhood at this time.

- "2. Since we are committed to a fixed land cost and a fixed demolition cost, reducing the density to near the 28 units makes the economics of the project totally unfeasible. This would make the property undevelopable, at least for some time to come.
- "3. The proposed 4 story building is actually lower than the existing adjacent building on Francisco and Midway Streets. Reducing the building to 3 stories accomplishes only one thing: which is to give view to back rooms of the top floor of 2 of the adjacent building i.e. two unit. We feel that this is hardly sufficient benefit to the entire neighborhood to justify the hardship and sacrifice on the subject property.
- "4. We feel that by having the main entrance to the Midway building on Midway is essential for the convenience of the residence of the Midway building.
- "5. With only one or two exceptions the buildings in the entire neighborhood are stucco. It would seem that stucco should be the logical material for the proposed building. However, we are willing to consider suggestions from the Planning Department. We do not feel this should be a criteria for approval of the project.

"In response to the suggestions of Mr. Rai Okamoto, we have made the following revisions on the Midway building:

- "1. Four of the smaller units have been combined into two townhouse type two bedroom units to provide additional family type units. This reduces the number of units to 22 in the Midway building.
- "2. Separate entrances have been introduced to two of the first floor units to simulate the character of the adjacent building.
- "3. Revision of floor plan, elevation and materials of the building so that the building appears more definitely three separate buildings to reduce scale of the building.

"The latest demands of the neighborhood indicate that they are taking advantage of the good faith and cooperation we have shown throughout the past year. We hope the Commission will see through all the neighborhood sentiments and bring this matter to a fair conclusion which will benefit the immediate neighborhood as well as the good of the City."

Commissioner Starbuck asked the applicant if he had ever considered a condominium development for the subject site. Mr. Lam replied that he was not personally familiar with condominium proceedings and would not feel comfortable about undertaking a condominium development. He noted, however, that the building on Midway Street would contain two-bedroom units; and, as a result, there was a possibility that it could be converted to condominium ownership in the future.

Commissioner Rosenblatt asked if a stucco exterior had been proposed for the building because stucco would be cheaper than shingles. Mr. Lam replied that the prices of the two materials fluctuate but that the price of shingles is cheaper at the present time. He indicated that he would be willing to consider using shingles instead of stucco.

Commissioner Starbuck then asked if Mr. Lam had given any further consideration to the feasibility of reducing the number of dwelling units in the project since writing the letter to the Commission. Mr. Lam replied that he did not feel that the project would be economically feasible if the number of units were to be reduced below the 61 units which were presently being proposed.

Kim Clarke, attorney for the applicant, remarked that the existing R-4 zoning of the subject property would permit 85 dwelling units to be constructed on the site. Mr. Lam had indicated his willingness to reduce the number of dwelling units to 61; and, in addition, he would provide 15 more parking spaces than would be required by the City Planning Code. He advised the Commission that an individual who had owned the property one and one-half years ago had contemplated a condominium development; but that project had not evolved. Mr. Lam is not a condominium developer. He stated that Mr. Lam had been meeting with residents of the neighborhood for the past six months to discuss the proposed project and had been cooperative to the point of endangering the project. He urged that the Building Permit Application, as modified, be approved.

Bruce W. Lillenthal, representing residents of the subject neighborhood, felt that the applicant, in stating that 61 units would be the minimum that he could live with, was actually indicating that 61 units would be the minimum units which would allow him to make as much money as he wants to from the project. But residents of the subject neighborhood would have to live with the project once it is completed; and they did not feel that the project would be compatible with their neighborhood. He advised the Commission that between $\frac{1}{4}$ and $\frac{1}{2}$ of the individuals which he represented are renters and not property owners; and he did not feel that Mr. Lam's letter had accurately reflected the position which they had taken. He stated that the primary concern of residents of the area was the density of the project. Whereas the applicant had claimed that the present zoning of the property would permit construction of 85 units on the site, he pointed out that the new zoning standards enacted by the Commission on May 20, 1976, would permit a maximum of only 28 units to be constructed on the site. Given the circumstances under which the development proposal had evolved, he acknowledged that restricting the development to 28 dwelling units might be too severe; and, as a result, they had expressed

a willingness to consider development of up to 40 dwelling units on the property. Although they had raised the question of condominium development on the site, they had not demanded that such development take place. The neighbors had requested that the building on Midway Street be reduced in height by one floor so that the building would be less massive and would blend better with other buildings in the vicinity. The proposed development would block the view from only one apartment complex; and, as a result, only one resident of the area had objected to the proposed building because of the impact it would have on views. The possibility of eliminating the pedestrian entrance on Midway Street and using some material other than stucco on the exterior of the building had been offered only as suggestions and not as demands. The staff of the Department of City Planning had taken the position that the proposed building would be appropriate in the subject neighborhood; and he felt that that judgment was probably based on the housing shortage in San Francisco. He did not feel that the project would be appropriate in the neighborhood; and he felt that the staff would not be willing to support any new application which might be filed for 61 units on the site if the proposed project were to evaporate. He emphasized that the discretionary authority of the Commission provides a means of maintaining the beauty of San Francisco when problems arise where the circumstances are unique; and he urged the Commission to exercise that authority to protect the character of the subject neighborhood by disapproving the applicant's proposal for a project with 61 dwelling units.

Bob Tibbets, representing the Telegraph Hill dwellers, remarked that the maximum number of units which had been proposed for the site was the 78 unit scheme presented in the spring of 1976; and he noted that the present proposal of the applicant involved a reduction of only 17 units from that initial proposal. He stated that he had seen no evidence that the applicant would lose money if he did not proceed with his project; and, if the project were to be built, the only people who would benefit would be the land-owner and the developer.

Henrietta Maxca remarked that the City Planning Commission had authorized a city-wide Residential Zoning Study in August, 1973; and the recommendations of the staff had been adopted on May 20, 1976. She emphasized that the project being proposed would not conform with the zoning recommendation initiated in May; and she did not feel that the building permit application should be approved. While she acknowledged that San Francisco may have a need for more dwelling units, she felt that the additional units should be accommodated in areas where they would be more suitably located.

Rai Y. Okamoto, Director of Planning, remarked that the city-wide Residential Zoning Study was by no means completed; and he believed that considerable revisions will be made in the recommendations made by the staff on May 20 before final action is made by the City Planning Commission.

Robert Passmore, Planner V (Zoning), stated that the staff of the Department of City Planning had obviously faced a problem in formulating an equitable recommendation in an instance where there was such a major difference in the number

of units which would have been permitted under the old zoning of the property as compared with the zoning which had been initiated on May 20.

Another resident of the neighborhood stated that she felt that the proposed development would have a detrimental impact on the neighborhood and that it would create parking problems.

Mr. Passmore remarked that the staff had recommended that the building permit application be approved when the matter was considered by the Commission on October 21; and he stated that the staff was again prepared to recommend that Building Permit Application No. 453344 be approved subject to the number of units being reduced to 61 and subject to separate entrances being provided to two of the first floor units in the Midway Street building. He felt that the staff had accomplished as much as could be expected under the circumstances which prevailed; and, while the staff had never said that the proposed project would be "appropriate" in the subject neighborhood, he did feel that it would be reasonable to allow the building to proceed. He advised the Commission that the staff was investigating the possibility of closing Midway Street to vehicular traffic; but the reaction of the Fire Department to that proposal had not yet been received.

Commissioner Bierman moved that the building permit application be disapproved. She stated that she was making her motion not because the proposed building would not conform with zoning initiated by the Commission on May 20 but because she felt that the project would simply be too large for the subject neighborhood. She had hoped that the applicant and residents of the neighborhood would be able to arrive at a compromise wherein a livable situation would result; but she did not feel that a 61 unit project would be appropriate for the subject site.

The motion was seconded by Commissioner Starbuck. He remarked that the case before the Commission was complicated by the existence of two sets of zoning standards. However, the proposed project would cater to transients; and the subject residential area is one of the few family neighborhoods in the northeast section of the City. He felt that the residents of the neighborhood had made a convincing case in their own behalf; and he believed that the proposed project would have an impact in terms of traffic and noise and, most importantly, on the livability of the family-oriented neighborhood. Therefore, he intended to vote for the disapproval of the subject building permit application.

At this point in the proceedings, Commissioner Dearman returned to the meeting room and reassumed her seat at the Commission table.

Commissioner Rosenblatt emphasized that the Commission had urged the applicant to consider a significant reduction in the number of dwelling units proposed when the matter was last before the Commission for consideration; and he did not feel that a reduction from 63 to 61 units constituted a significant change. He believed that the zoning standards which had been initiated for the property on May 20 were of less relevance to the Commission in the present instance than the potential impact of the proposed project on the neighborhood. He was not prepared to suggest

that the number of units in the project should be reduced to 28 units; but he did feel that something less than the 61 units which were being proposed would be more appropriate.

President Lau observed that members of the Commission appeared to be more concerned about the impact of the building proposed for Midway Street than the building proposed for Stockton Street. He noted that residents of the neighborhood had proposed that the height of that building be reduced by one floor; and, although he did not know how many units that would involve, he suggested that the applicant might wish to offer to make that change in his plans in the spirit of compromise.

Mr. Clarke stated that his client would be willing to have the matter taken under advisement for one week so that that alternative could be considered. As an alternative, he suggested that the Commission might wish to approve the plan for the Midway building with a height of 3 stories rather than 4 stories and allow the applicant to redraft his plans for the Stockton Street building.

Commissioner Finn asked how many dwelling units would be eliminated from the project if the height of the Midway Street building were to be reduced by one floor. Mr. Gigliello replied that each floor of the Midway Street building would contain six units.

Commissioner Rosenblatt then made a substitute motion that the building permit application be approved with the modifications which had been recommended by the Director of Planning and with a further modification which would reduce the height of the Midway Street building by one floor. The motion was seconded by Commissioner Finn.

A resident of the neighborhood pointed out that the project would still have 55 dwelling units; and he felt that the project would have a detrimental effect on the neighborhood. He believed that no more than 40 units should be approved.

Mr. Passmore remarked that reducing the number of units in the project without changing the bulk of the buildings might not change the activity level in the project since the ratio of people per dwelling unit might be increased through the provision of larger dwelling units.

Mr. Tibbets felt that the Commission's hearing had deteriorated into a negotiating session. He pointed out that the Commission had previously taken the matter under advisement so that negotiations could take place between residents of the neighborhood and the applicant; and it was his opinion that the applicant had not entered into those negotiations in good faith.

Mr. Clarke stated that he had advised his client not to propose the maximum number of units which would be permitted on the site under R-4 zoning; and, as a result, his client had proposed a project which would contain only 63 units rather

than the 85 which would have been permitted. Yet, when the matter had been brought before the Commission, negotiations had started with 63 units being the maximum number under consideration. As a result, he felt that it would be extremely difficult for him to advise his clients what they should do in the future.

Commissioner Dearman suggested that Mr. Clarke should advise his clients to consider what type of project might be appropriate in the neighborhood in which it is to be located. Mr. Clarke replied that the City Planning Code indicated that 85 dwelling units would be appropriate on the subject site; and he emphasized that he had not drafted the Code.

The Director stated that he would hazard a guess that the staff of the Department of City Planning, once it has concluded the Residential Zoning Study, might recommend that the subject property be zoned RA-3 rather than RA-2; and, if so, the number of dwelling units permitted on the site would be approximately 42 units rather than 28 units. He cautioned, however, that his remarks represented only a "guess".

Mr. Lilienthal stated that residents of the neighborhood had made an effort in good faith to negotiate with the applicant; but the applicant had taken the position that anything less than the number of units being proposed would be economically infeasible. He doubted that further delay would result in any further compromise.

On the basis of the comments which had been made by the applicant and residents of the neighborhood, Commissioner Rosenblatt withdrew his substitute motion.

Commissioner Finn stated that he was concerned about the property rights of the applicant, particularly in view of a court decision which had recently been rendered in Marin County requiring a municipality to reimburse a property owner for loss of property value resulting from a zoning decision. Therefore, he offered a substitute motion to take the matter under advisement for one week.

Both Mr. Lilienthal and Mr. Clarke stated that they would prefer to have the Commission vote on the matter during the present meeting.

The substitute motion failed for want of a second.

Mr. Passmore suggested that the motion on the floor be amended to indicate the Commission's intention to disapprove the building permit application and to request the staff to prepare a draft resolution of disapproval to be adopted at the Commission's Regular Meeting on November 18, 1976.

Commissioners Bierman and Starbuck amended their motion and seconded accordingly.

When the question was called, the Commission voted 4-2 to indicate its intention to disapprove the subject building permit application and to request that

a draft resolution of disapproval be prepared for adoption at the Commission's Regular Meeting on November 18, 1976. Commissioners Bierman, Dearman, Rosenblatt, and Starbuck voted "Aye"; Commissioners Finn and Lau voted "No".

At this point in the proceedings, Commissioner Bierman absented herself from the meeting room for the remainder of the meeting. President Lau was temporarily absent from the meeting room; and Vice-President Rosenblatt assumed the Chair.

DR76.27 - 1126-28 ASHBURY STREET, EAST SIDE, ABOUT 290 FEET NORTH OF 17TH STREET.

DISCRETIONARY REVIEW OF PROPOSAL TO CONSTRUCT A THIRD FLOOR PENTHOUSE TO AN EXISTING BUILDING ABOVE 30 FEET WHEN THE PROPOSED RH-2 DISTRICT, INITIATED BY THE CITY PLANNING COMMISSION ON MAY 20, 1976, WOULD REQUIRE CONDITIONAL USE AUTHORIZATION FOR ANY CONSTRUCTION WITH A HEIGHT OF 32 FEET; IN AN R-2 (LOW-MEDIUM DENSITY MULTIPLE RESIDENTIAL), AND PROPOSED RH-2 DISTRICTS. (Under Advisement from Meeting of November 4, 1976.)

Robert Feldman, Planner III, noted that this matter had been taken under advisement from the meeting of November 4 to enable the staff to arrange a meeting between the applicant's architect and a neighboring property owner to discuss the effect of the proposed building addition on the light-well of the adjacent property. The meeting had been held on the previous day. The applicant's architect had brought and described shadow diagrams which indicated the effect which the proposed addition would have on sunlight reaching the neighboring light-well. The applicant had agreed to modify the roofline of the proposed addition and to paint both the interior of his own and the adjoining light-wells white. The owner of the adjacent property had not agreed that the changes would be satisfactory from her point of view; and it was true that the proposed expansion would somewhat reduce the light and air available to her light-well.

Charles D. Stickney, architect for the applicant, displayed and explained shadowgrams which he had prepared to indicate the effect of the proposed building addition on the adjacent property.

Mr. Feldman stated that the Environmental Review staff of the Department of City Planning had reviewed the project and was of the opinion that the proposed building addition would affect the adjacent property to some extent at certain times of the year.

Robert Passmore, Planner V (Zoning), recommended that the building permit application be approved subject to the modifications which had been proposed by the applicant and his architect.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Finn and carried unanimously that Resolution No. 7604 be adopted and that the building permit application be approved subject to the modifications which had been proposed by the applicant and his architect.

At this point in the proceedings, President Lau returned to the meeting room and reassumed the Chair.

CU76.27 - 2343 FILLMORE STREET, SOUTHWEST CORNER OF WASHINGTON STREET.
CONSIDERATION OF MODIFICATION OR TERMINATION OF CONDITIONAL
USE AUTHORIZATION FOR PETS UNLIMITED, AN ANIMAL HOSPITAL,
FIRST AUTHORIZED BY THE CITY PLANNING COMMISSION ON JULY 6,
1972; IN A C-2 (COMMUNITY BUSINESS) DISTRICT.
(Under Advisement from Meeting of November 4, 1976.)

President Lau noted that this matter had been taken under advisement from the meeting of November 4, to enable the staff of the Department of City Planning to review with the City Attorney's office a draft resolution which had been prepared to revoke the Conditional Use Authorization for the animal shelter on the second floor of the subject building. At the same time, the Commission had urged representatives of Pets Unlimited and residents of the neighborhood to meet again in an attempt to resolve their differences. He asked if such a meeting had taken place.

Arthur Andreas, a resident of the neighborhood, replied in the negative.

Robert Passmore, Planner V (Zoning), stated that the draft resolution had been revised and expanded by the staff of the Department of City Planning; and Mr. Kenealey of the City Attorney's office, having reviewed the revised draft resolution, felt that it would be enforceable. He then distributed and summarized the revised draft resolution which contained the following "resolved" clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the criteria set forth in Section 303(c) of the City Planning Code are not met for the animal shelter on the second floor of the existing building and that Resolution No. 6868 is hereby MODIFIED to terminate the authorization for the animal shelter and to require that dogs be removed, immediately from the second floor of the building;

"BE IT FURTHER RESOLVED, That the City Planning Commission finds that the intent of the references to sound level in condition number 2 of Resolution No. 6868 was to require that the sound level from any activity in the subject building, whether from the animal clinic or the animal shelter shall be such that the sound of animals, (particularly barking dogs) within the building cannot be heard at any place outside of the property lines of the subject building."

Commissioner Starbuck, noting that one of the "whereas" clauses of the draft resolution indicated that the sound intensity as measured by the Department of Public Health was greater than that anticipated by the City Planning Commission in its original authorization of the facility and was greater than was normally per-

mitted in similar facilities, asked what was meant by the reference to "similar facilities". Mr. Passmore replied that the reference was to animal hospitals which have been approved by the City Planning Commission.

Maxine Davis, a resident of the neighborhood, asked if adoption of the draft resolution would mean that Pets Unlimited would not be allowed to soundproof its facility. Mr. Passmore replied that adoption of the draft resolution would prohibit Pets Unlimited from using the building for an animal shelter, but would allow continued operation of the animal clinic on the first floor. However, the resolution would not prohibit Pets Unlimited from installing additional soundproofing in the building.

After discussion, it was moved by Commissioner Dearman, and seconded by Commissioner Rosenblatt that the draft resolution be adopted.

President Lau noted that he had not been present when this matter was discussed by the Commission on November 4. However, he had reviewed documents in the docket and was familiar with the history of the case. In addition, the staff had advised him of the nature of the testimony which had been presented during the meeting of November 4. Therefore, he felt that he was knowledgeable enough about the issues involved to vote on the matter under consideration.

Neil Glerum, President of Pets Unlimited, emphasized that he had filed petitions which had been signed by more than 90 residents of the neighborhood in support of continued operation of the facility; and he was of the opinion that only one neighboring property owner and a few of his friends were opposed to the facility. He stated that he had attempted to discuss means of solving the problem with the neighboring property owner; but that individual was not willing to assume any responsibility for correcting the noise problem. He advised the Commission that his organization has more than 3 million dollars invested in the building; and he did not believe that the City Planning Commission, in approving the Conditional Use Authorization for the facility in 1972, had intended to place the facility under a burden of "absolute silence". Therefore, if the Commission were to adopt the draft resolution, he felt that he would have to appeal its decision to the Board of Supervisors.

When the question was called, the Commission voted to adopt the draft resolution as City Planning Commission Resolution No. 7605.

STATUS REPORT BY THE STAFF OF THE BAY AREA TRANSPORTATION TERMINAL
AUTHORITY ON A STUDY TO ESTABLISH POLICIES AND GUIDELINES FOR DEVELOPMENT.

James White, consultant to the Bay Area Transportation Terminal Authority, presented and summarized the results of a study which had been undertaken for the Authority to establish policies and development guidelines for the Trans-Bay Terminal site. Subsequently, he responded to questions raised by members of the Commission.

During the course of the presentation, President Lau absented himself from the meeting room for the remainder of the meeting. Vice-President Rosenblatt assumed the Chair.

PRESENTATION OF PROPOSED AMENDMENTS TO THE TRANSPORTATION ELEMENT
OF THE COMPREHENSIVE PLAN REGARDING PARKING.

(Continued from Meeting of November 4, 1976.)

Alan Lubliner, City Planning Coordinator, presented the report and responded to questions raised by members of the Commission. Copies of the report are available in the files of the Department of City Planning. A public hearing on the proposals contained in the report will be held at a later date.

At this point in the proceedings, Commissioner Finn absented himself from the meeting room for the remainder of the meeting, leaving the Commission without a quorum.

PUBLIC HEARING ON TRANSPORTATION STRATEGY AND PROGRAMS REPORT.

(Continued from Meeting of November 4, 1976.)

John Elberling, representing the Citizens' Advisory Panel for Transit Improvement, stated that he was of the opinion that transportation issues are not being given sufficient attention in City Hall; and he believed that the Municipal Railway is not being run well. He stated that he was opposed to the sale of old electric buses which are scheduled to be disposed of in January; and he urged the Commission to ask the Board of Supervisors to postpone that sale. He also urged the City Planning Commission and the staff of the Department of City Planning to expedite their transportation planning efforts in order to establish the City's qualification for funds from regional financing programs.

Norman Rolph, representing San Francisco Tomorrow, stated that he endorsed the comments and recommendations which had been made by Mr. Elberling. In addition, he offered the following suggestions:

1. Steps should be taken to relieve the overcrowded conditions on the cable car system;
2. Truck traffic to the India Basin area should be routed along the freeways to Army Street and then across to India Basin instead of using Third Street;
3. The highest possible priority should be given to the improvement of pedestrian amenities; and
4. Installation of a transit lane on the Golden Gate Bridge should be encouraged.

The secretary read a letter which had been submitted by John Jacobs, Director of the San Francisco Planning and Urban Renewal Association, as follows:

"SPUR is impressed with the thoroughness with which this report has been prepared. It presents a comprehensive description of the present transportation situation in San Francisco and sets forth a series of programs to be undertaken over the next five years that are realistic and wide ranging.

"We do believe, however, that the list of highest priority projects included in the report is too short. Essentially, only those projects that are already under way are included. While this is understandable in light of San Francisco's present fiscal situation, SPUR believes that a more ambitious scope of activities should be proposed for the near term in order to convey to Mayor Moscone and the Board of Supervisors what should be done were transportation accorded the appropriate priority among City activities.

"In addition, the report does not give adequate consideration to actions which could and should be undertaken by the private sector to decrease reliance on the private automobile. Incentives for car and van pooling and for use of public transit could be provided by private employers, but encouragement for initiating such programs has to come from the public sector. Perhaps the report could suggest that Mayor Moscone designate a single City official as the initiator of such an effort. This official would promote such programs in conjunction with private sector employers.

"With the issuance of this report, the Planning Department has become the prime advocate for transit use in San Francisco. Emphasizing the importance of transit to the quality of life in the City is an important task, since the Mayor and the Board of Supervisors need such reminders as they consider the various projects called for in the document.

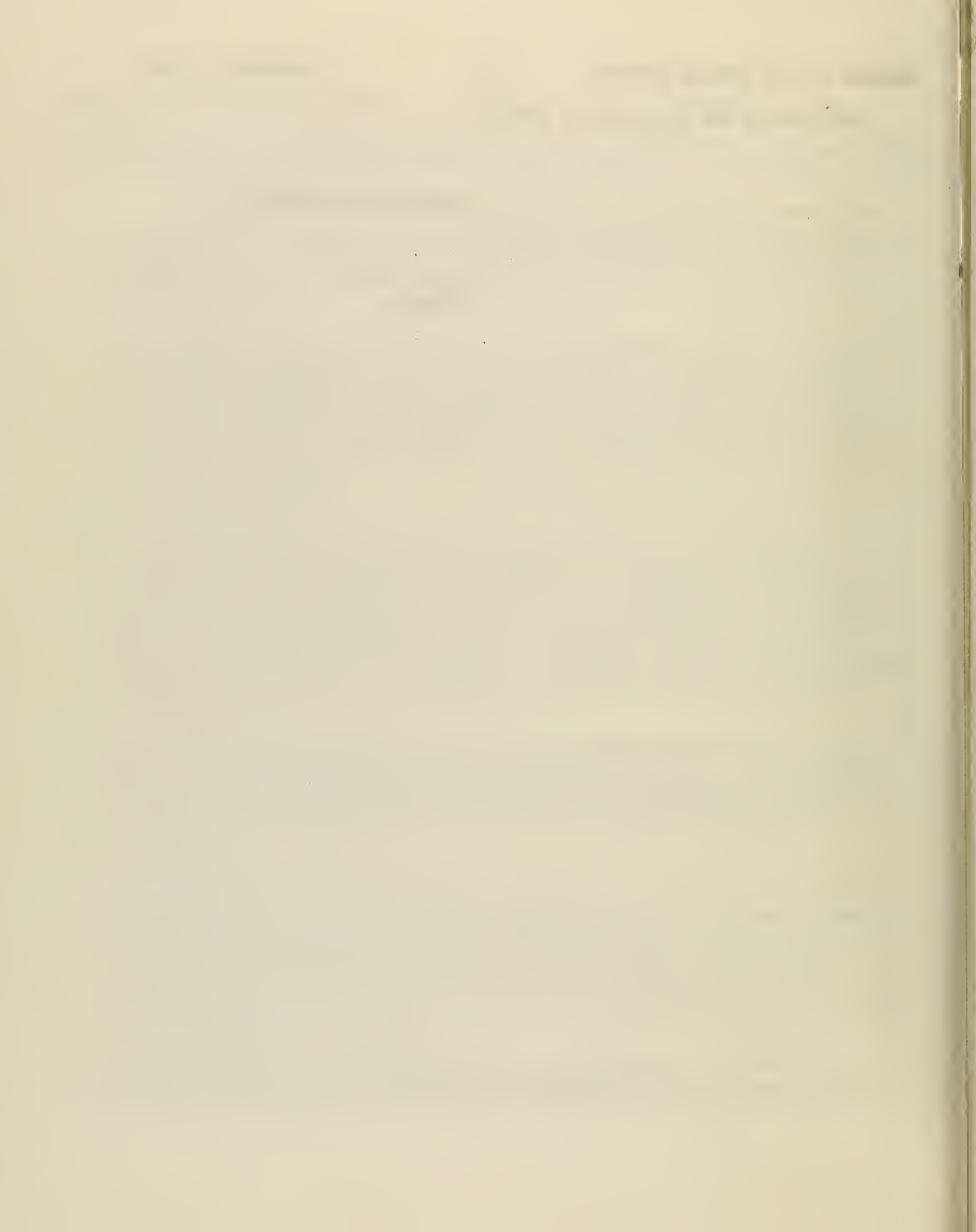
"Indeed, over the longer run, this report if implemented will result in reduced energy consumption and cleaner air, as well as promoting the maintenance and enhancement of the quality of life in San Francisco. Increased costs and ultimate shortages of fuel will have severe economic effects. It is only those cities which with foresight and initiative reinforce public transit usage, that will escape the worst of such economic consequences.

"This plan is an important step in that direction, and one which the State as a whole is just beginning to grapple with, albeit inadequately, through its development of a statewide transportation plan."

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, November 18, 1976.

The City Planning Commission met pursuant to notice on Thursday, November 18, 1976, at 1:00 p.m., at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President;
Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J.
Mellon and his alternate Thomas G. Miller, and Charles
Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Janis Birkeland, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Dick Swanson, Staff Assistant IV; Robert Feldman, Planner III; Patricia Salinas, Staff Assistant III; David Fulton, Planner II; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; Nathaniel Taylor, Planner II; David Lynch, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

1:00 P.M. - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 1:00 p.m. to take a field trip to properties scheduled for consideration during December.

2:15 P.M. - ROOM 282, CITY HALL

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meetings of September 16, and 30, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission of a meeting scheduled next Monday evening, November 22, at 7:00 p.m. at the Anna Waden Library, Third and Revere, to discuss the current status of the Candlestick Shoreline Park. He suggested that some members of the Commission might wish to attend the meeting.

The Director announced that a Bicentennial Awards presentation would take place at 5:30 p.m. in the rotunda of City Hall.

The Director reported that the staff of the Department of City Planning had held a press conference last Monday to announce the start of a study of the Mission Commercial District.

The Director informed the Commission of actions taken by the Planning, Housing and Development Committee of the Board of Supervisors at its meeting on Tuesday. He also indicated that the Finance Committee of the Board, meeting on Wednesday, had approved the acquisition of two parcels of property with funds provided through the Open Space Acquisition Fund.

The Director reported that the Board of Supervisors was expected to consider the proposed amendments to the official Redevelopment Plan for the Embarcadero-Lower Market Approved Redevelopment Project E-1 Golden Gateway Center Portion, Phase III, at its meeting next Monday.

Dave Fulton, Planner II, advised the Commission that the staff of the Metropolitan Transportation Commission had made certain recommendations regarding transit financing; and he indicated that the staff of the Department of City Planning intended to submit the following comments on those recommendations to the Metropolitan Transportation Commission:

"The financing recommendations reported by the Metropolitan Transportation Commission (MTC) staff, Tuesday 11/16/76, fail to pursue three major objectives that we feel, from San Francisco's point of view, should be part of any regional transit finance program.

"1) By recommending no additional or increased auto user taxes, except for increased bridge tolls, the MTC recommendations fail to do anything about the historical disparity between funding of highways and the funding of transit, or about the low perceived cost of auto travel relative to transit travel.

"2) By failing to recommend for immediate implementation any state or regional sources of funds, the MTC recommendations fail to recognize that beneficiaries of transit are not just those who live in the service areas, but those who live throughout the region and state and benefit from clean air, city centered economic activity, abated urban sprawl, and less freeway congestion that results from the maintenance of transit service.

"3) Similarly by failing to recommend a state or regional tax base and a method of allocation that caters to a service area's need, commitment, and current level of transit service, the MTC recommendations fail to do anything to redress:

"a) the inequity that has resulted from State and Federal Highway Trust Funds paying for the development of streets and highways in suburban and rural counties, while urban counties

with heavy commitments to transit have had to pay for a much greater share of their transportation facilities themselves.

"b) the inequity that results from operators in the Bay Area enjoying different levels of funding as exemplified by the budgets of BART and Muni.

"In order to rectify these shortcomings, the Department recommends the following:

"1) The Department concurs with the MTC recommendation that $\frac{1}{2}\%$ sales tax in the three BART counties be extended.

"2) BART should have a funding base. However, this should not be the entire revenues from the $\frac{1}{2}\%$ sales tax as recommended by MTC Staff but a portion thereof so as to be commensurate with the funding base that Muni and A.C. enjoy from the property tax and Revenue Sharing. Such a portion would be approximately 76% of Sales Tax revenues.

"3) Tolls should be raised on the Bay, San Mateo and Dumbarton bridges as recommended by MTC.

"4) The remaining 24% of sales tax revenues, Transit Development Act $\frac{1}{4}\%$ sales tax revenues from the three counties (San Francisco, Alameda and Contra costa), UMTA Section 5 funds and Toll Bridge revenues should be aggregated into a fund that would be allocated to BART, A.C., and Muni on the bases of a formula that evaluated patronage, vehicle hours of service and other productivity and level of effort indicators.

"5) A regional auto user tax, such as the auto 'in lieu' tax, should be levied in the 9 Bay Area counties and allocated to transit operators who provide regional transit service. Allocation should be based on a formula or specific criteria that account for:

"a) the number of out of service area riders carried by an operator,

"b) need for transit within the service area as measured by population, population density and median income,

"c) past subsidy by Federal and State government for the provision and operation of transportation facilities in the service area,

"d) level of transit service provided as measured by patronage and vehicle hours provided.

"6) Staff concurs with MTC recommendation that fares should be maintained at an average of 35% of operating costs throughout the region.

"These recommendations we feel more realistically address the amount of money needed for transit over the near term than do the MTC recommendations and also begins to address some of the equity issues mentioned above."

The Commission, noting that the material which had been covered by Mr. Fulton was somewhat complex and had not been provided to the members of the Commission prior to the meeting, declined to endorse the comments that the staff intended to transmit to the Metropolitan Transportation Commission.

STATUS REPORT ON PREPARATION OF COMMERCE AND INDUSTRY ELEMENT OF COMPREHENSIVE PLAN.

Dick Swanson, Staff Assistant IV, reported on the status of this study and responded to questions raised by members of the Commission.

DR76.32 - CONSIDERATION OF DRAFT RESOLUTION DISAPPROVING BUILDING PERMIT APPLICATION NO. 453344 FOR THE CONSTRUCTION OF A 63-UNIT APARTMENT BUILDING AT 2120 STOCKTON STREET.
(Under advisement from meeting of November 9, 1976.)

Because the Commission anticipated the loss of a quorum prior to completion of the entire agenda, it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that consideration of this matter be postponed indefinitely.

EE75.426 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED ADDITIONS TO THE RALPH K. DAVIES MEDICAL CENTER (FRANKLIN HOSPITAL) IN BLOCK BOUNDED BY CASTRO, NOE AND FOURTEENTH STREETS AND DUBOCE AVENUE.

Paul Rosetter, Planner II, summarized the draft Environmental Impact Report and responded to questions raised by members of the Commission.

Subsequently, the Commission received and responded to comments made by members of the audience including John Sanger, representing a coalition of five neighborhood organizations including the Buena Vista Neighborhood Association, the Duboce Triangle Association, the Eureka Valley Promotion Association, the Mint Hill Association, and the Duboce Environmental Village Association; Sue Hestor, representing the Eureka Valley Promotion Association; Herbert Donaldson, 45 Lloyd Street; Rick Stokes, a resident on Noe Street; Jim Rivaldo, representing the Mint Hill Neighborhood Association, Harvey Milk, a resident and merchant in the neighborhood; Diane

Young, representing the Duboce Environmental Village Association; Wesley Dawe, representing the Buena Vista Neighborhood Association; Robert Palmer, 81 Scott Street; Karen Apana, 85 Noe Street; Carlos Dubek, owner of a building on Noe Street; Clemens Work, President of the Duboce Triangle Association; Dale Champion, President of the Buena Vista Neighborhood Association; Garnet Calambacher, a resident of the neighborhood and George Monardo, Administrator of the Ralph K. Davies Medical Center. During the course of the hearing, President Lau, Commissioner Finn, and Commissioner Mellon absented themselves from the meeting room for the remainder of the meeting. Vice-President Rosenblatt assumed the chair. Commissioner Mellon was replaced by his alternate, Thomas G. Miller.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the public hearing be continued until the Commission's meeting on February 3, 1977.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Paul Schiller, a certified shorthand reporter, was present and will prepare a transcript of the hearing which will be available in the files of the Department of City Planning.

PRESENTATION OF PLANNING ALTERNATIVES FOR SAN FRANCISCO PORTION OF
THE GOLDEN GATE NATIONAL RECREATION AREA BY WILLIAM J. WHALEN, GENERAL
MANAGER, BAY AREA PARKS.

Because the Commission anticipated that their quorum would be lost before the agenda was completed, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be postponed indefinitely.

EE-EF75.241 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT AND
STATEMENT FOR THE PROPOSED REHABILITATION ASSISTANCE
PROGRAM (RAP) FOR THE UPPER ASHBURY DISTRICT.
(Under Advisement from meeting of October 14, 1976.)

It was noted that individuals were present in the audience who had traveled from Los Angeles to testify on calendered items relating to property at 505 Sansome Street; and, because it was anticipated that the Commission would lose its quorum before the agenda was completed, it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried 4 to 1 that the calendered items relating to the property at 505 Sansome Street be taken out-of-order. Commissioners Dearman, Miller, Rosenblatt, and Starbuck voted "Aye"; Commissioner Bierman voted "No". Because the quorum was lost after those items had been considered, consideration of the draft Environmental Impact Report and Statement for the proposed Rehabilitation Assistance Program for the Upper Ashbury District was postponed. That matter will be calendered for consideration at 1:00 p.m., Thursday, December 2, 1976, in Room 282, City Hall.

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EE75.60 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR AN 18-STORY BUILDING AT 505 SANSOME STREET, NW CORNER OF CLAY AND SANSOME STREETS. PROPOSED BUILDING TO BE 249 FEET TALL WITH A GROSS AREA OF 191,957 SQUARE FEET AND RETAIL USES AT BASEMENT, GROUND AND SECOND FLOOR LEVELS.
(Under advisement from meeting of August 12, 1976.)

Robert Passmore, Planning V (Zoning), noted that members of the Commission had received copies of Chapter XIII of the draft Environmental Impact Report entitled "Summary of Comments and Responses"; and he recommended that a draft resolution with the following resolved clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated November 18, 1976, concerning 505 Sansome Street is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under DR76.21, does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report."

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7606.

DR76.21 - DISCRETIONARY REVIEW OF PROPOSAL FOR A 19-STORY OFFICE BUILDING AT 505 SANSOME STREET, NW CORNER OF CLAY STREET, IN THE PORTSMOUTH CORRIDOR AREA.

Janis Birkeland, City Planning Coordinator, stated that this matter had been brought before the Commission in accordance with the Commission's policy of conducting discretionary reviews of all applications for new or enlarged buildings in the Portsmouth Corridor area bounded by Kearny, Washington, Davis, and Clay Streets. She indicated that the developer and his architect had met with the staff of the Department of City Planning on a number of occasions; and she stated that the proposed office building, as designed, satisfied the intent of the guidelines for development of the subject property which had been prepared by the staff of the Department of City Planning. She informed the Commission that the developer had indicated his intention to work with adjacent property owners in an attempt to develop a pedestrian mall on Merchant Street; and she reported that the applicant may seek a variance from off-street loading requirements of the City Planning Code.

Patrick Mahoney, the developer, stated that he and his associates were present in the meeting room to answer any questions which might be raised by members of the Commission.

Commissioner Starbuck observed that the subject building would be the first major office building proposed in San Francisco for 15 or 20 years which would have windows which would not be sealable; and he wished to express his personal appreciation to the developer and his architects for making an effort to implement conservation measures in the building.

William L. Pereira, architect for the applicant, acknowledged that efforts had been made to provide unique features in the proposed building and to make it serviceable for small tenants. He also emphasized that the building would be light in color. He offered to answer any questions which might be raised by members of the Commission.

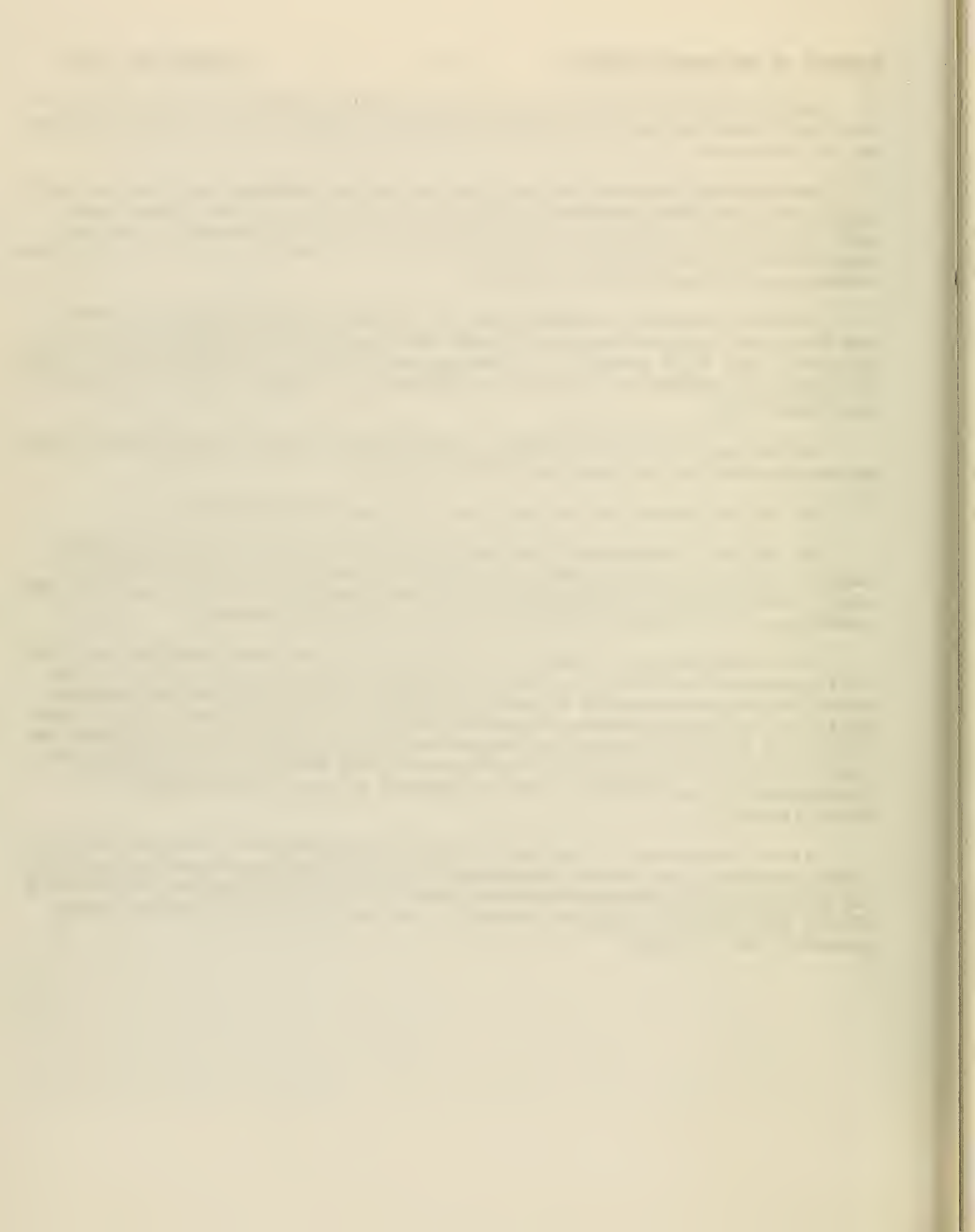
At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

No one was present in the audience to be heard on this matter.

Mr. Passmore recommended that the Building Permit Application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After Commissioner Starbuck had asked several questions regarding the color of the proposed building, Mr. Passmore recommended that Condition No. 4 of the draft resolution be amended to read as follows: "Final plans for the proposed building, including glazing and material selection to ensure that the color and texture of the wall-surfaces of the proposed building will be light in color and will harmonize with the color and texture of other buildings in the area, shall be developed in consultation with and approved by staff of the Department of City Planning."

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution, as amended, be adopted as City Planning Commission Resolution No. 7607 and that the Building Permit Application be approved subject to the conditions which had been recommended by Mr. Passmore.



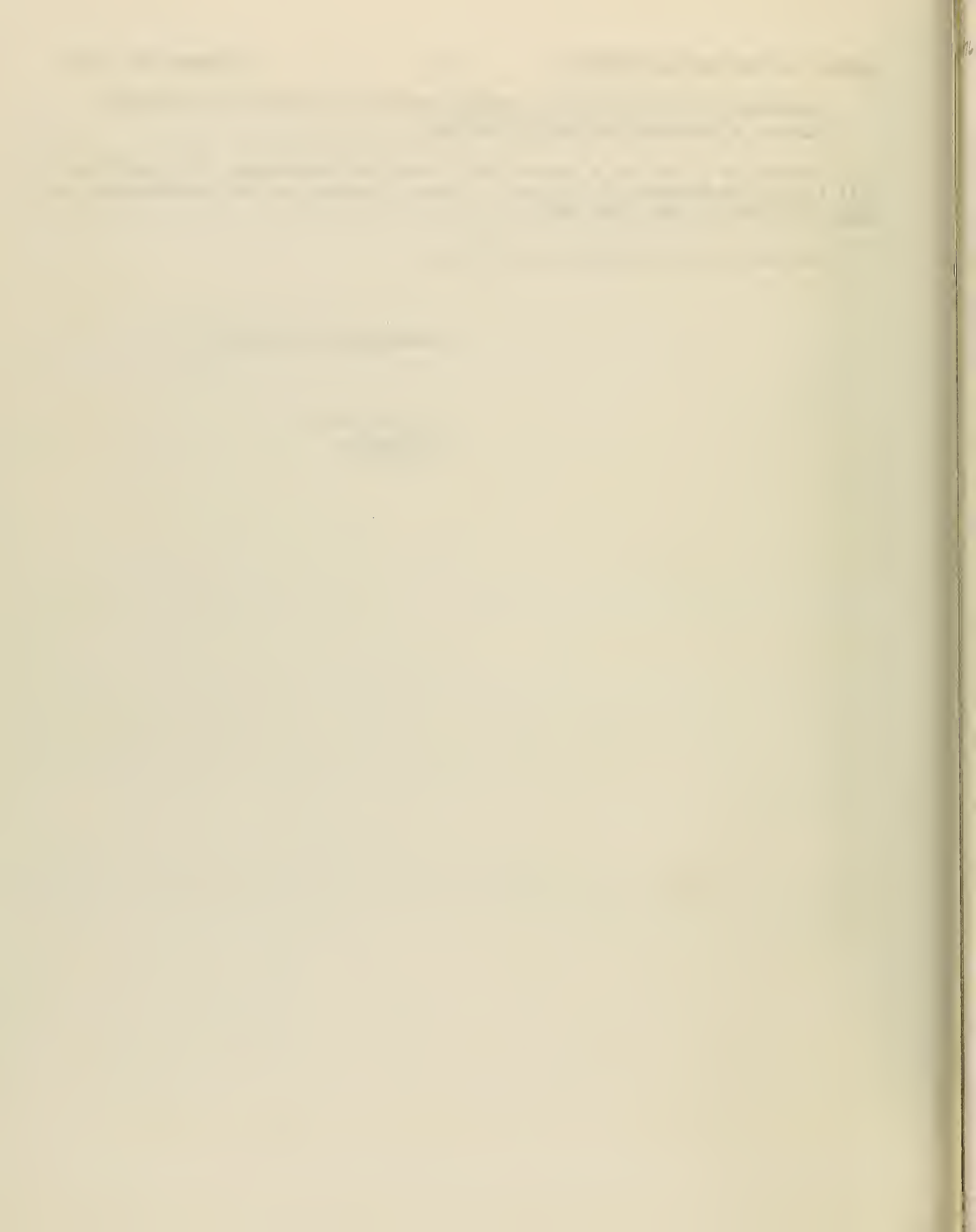
PRESENTATION OF NEIGHBORHOOD CENTERS SECTION OF COMMUNITY FACILITIES
PLAN -- A PROPOSAL FOR CITIZEN REVIEW.

Because of a lack of a quorum, this matter was postponed. The presentation will be made on December 16, prior to a public hearing on the document which has been scheduled on that same date.

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, December 2, 1976.

The City Planning Commission met pursuant to notice on Thursday, December 2, 1976, at 1:00 p.m., in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Richard Gamble, Planner IV; Robert Feldman, Planner III; Nathaniel Taylor, Planner III; Audrey Owen, Staff Assistant III; Patricia Salinas, Staff Assistant III; Kit Herman, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

EE-EF 75.241 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT AND STATEMENT FOR THE PROPOSED REHABILITATION ASSISTANCE (RAP) PROGRAM FOR THE UPPER ASHBURY DISTRICT.
(Postponed from meeting of November 18, 1976.)

Nathaniel Taylor, Planner III, summarized the contents of Chapter XIII of the draft Environmental Impact Report and Statement entitled "Summary of Comments and Responses". Subsequently, he and Selina Bendix, Environmental Review Officer, responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by Anna Darden, President of the Haight-Ashbury Neighborhood Council; Calvin Welch, 509 Ashbury Street and a member of the Haight-Ashbury Neighborhood Council; Nadia Garbedian; Gloria Vollemayer, 1341 Masonic Avenue; Henrietta Abrams, a resident of Cole Street; Anna Guth; John Bardis, representing the Inner-Sunset Committee (ISAC); Joanne Theson, Leland Guth, and Ed Dunne.

After discussion, it was moved by Commissioner Bierman, and

seconded by Commissioner Starbuck that certification of the draft Environmental Impact Report and Statement be deferred to enable the staff of the Department of City Planning to collect additional data on the population of the neighborhood, rent levels in the neighborhood, building renovation work which has taken place in the neighborhood, and the relocation problems which would result if the Rehabilitation Assistance Program were to be implemented. When the question was called, the motion failed by a vote of 3-4. Commissioner Bierman, Finn, and Starbuck voted "aye"; Commissioners Dearman, Lau, Mellon, and Rosenblatt voted "no".

It was then moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried 4-3 that Resolution No. 7608 be adopted with the following resolves:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby fin the Final Environmental Impact Report, dated December 2, 1976, concerning the Rehabilitation Assistance Plan for the Upper Ashbury, is adequate, accurate, and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

Commissioners Dearman, Lau, Mellon, and Rosenblatt voted "aye"; Commissioners Bierman, Finn, and Starbuck voted "no".

Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried 4-3 that Resolution No. 7609 be adopted with the following resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby recommend that the Draft Environmental Impact Statement, dated November 18, 1976, as amended by the addition of Chapter 13 on December 2, 1976, concerning the Rehabilitation Assistance Program for the Upper Ashbury, be found by the Mayor, as chief executive officer of the City and County of San Francisco authorized to assume the status of a responsible Federal official, under the National Environmental Policy Act (NEPA), insofar as the provisions of NEPA apply to the HUD responsibilities for environmental review, to be adequately accurate and objective, and that the Mayor CERTIFY THE COMPLETION of said Statement in compliance with the National Environmental Policy Act and the applicable Hud Guidelines."

Commissioners Dearman, Lau, Mellon, and Rosenblatt voted "aye"; Commissioners Bierman, Finn, and Starbuck voted "no".

PUBLIC HEARING ON INSTITUTIONAL DEVELOPMENT GUIDELINES.
(Continued from meeting of October 21, 1976.)

George A. Williams, Assistant Director-Plans and Programs, noted that the staff's Proposal for Guidelines for Institutional Growth, with modifications dated October 20, 1976, had been presented to the Commission on October 21, 1976. Following a brief public hearing on that date, the matter had been taken under advisement to allow for more extensive public review of the document.

Craig K. Connitzo, representing the West-Bay Hospital Conference, stated that the institutions which he represented would be willing to work with the proposed guidelines; and he urged that they be adopted by the Commission.

Douglas Engmann, President of the Stanyan-Fulton Street Neighborhood Association, read and submitted a letter which read as follows:

"The Stanyon-Fulton Street Neighborhood Association has extensively reviewed the proposed City Planning Commission Guidelines for institutional growth as outlined in the November 24, 1976 memorandum from the Director of Planning. We appreciate the opportunity to have the extended review of this document that the Commission has provided.

"At this time, we believe that the Commission should not adopt the guidelines. While some of the principles (i.e., decentralization) in the guidelines are ones which neighborhood groups have been advocating for years, we do not believe adoption of the guidelines by the Commission will be helpful in controlling institutional expansion in San Francisco:

- " the guidelines have no legal basis and the criteria are not specific enough to judge whether an institution meets the criteria. Review of past hospital expansions reveals that the hospital usually claims to meet all these criteria.
- " the guidelines have no factual or statistical basis, and we question the basic assumption behind the guidelines - that 'reasonable growth (of institutions) should be encouraged'. The history of institutional 'growth' in San Francisco points to another conclusion:

ruthless competition among institutions has caused building programs beyond their financial capability resulting in closures and reductions in staff or services or both.

the guidelines are premature. The new federal and State health planning laws mandate the development of a local health plan by the local health systems agency. The Commission should await the development of this plan for health services in San Francisco prior to promulgating its own plan.

"Therefore, we urge that the Commission refer these guidelines back to the planning staff. The Department should then form a Task Force of health and education planners, neighborhood groups and economists, which would: 1) analyze the economic/employment status of institutions, and 2) review the overall city plan for health services. From this analysis a new "institutional" element of the master plan could be developed and specific ordinances controlling institutional growth could be drafted.

"We believe that only through this process will a meaningful solution evolve to the problems of institutions in San Francisco. The proposed guidelines make little contribution to that solution."

Sue Hestor expressed the opinion that the proposed guidelines had been drafted by the West-Bay Hospital Conference and the staff of the Department of City Planning without input from concerned neighborhood associations. Furthermore, she felt that the adoption of the guidelines at the present time would be premature in view of the fact that new health systems agencies are just being established by the State.

Commissioner Rosenblatt asked when the new health systems agencies will be operative. Ms. Hestor estimated that the local Council would have its first meeting in January and that it will begin work on a health plan for San Francisco in the spring. She expected that the plan will be completed next year; and she felt that the Commission should defer adoption of the guidelines for institutional growth until that plan has been completed.

Commissioner Rosenblatt then asked if the staff of the Department of City Planning felt that the new local health systems agency would, in fact, complete a health plan for San Francisco during the next year. Mr. Williams replied that it was likely that the technical work for the plan could be completed within a six

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month period; however, gaining acceptance for the plan from the community and the institutions involved might involve a more lengthy process. In any event, he did not feel that the guidelines which were being proposed by the staff would be inconsistent with the planning work which will be undertaken by the local health systems agency; and, in view of the fact that institutions will be required to file Master Plans with the Department of City Planning in January, 1977, he felt it would be desirable for the Commission to adopt the guidelines at the present time.

John Bardis, President of the Inner Sunset Action Committee (ISAC), stated that he hoped that the Commission would adopt guidelines which would achieve a balance between institutional growth and the stability of residential neighborhoods; but he felt that the guidelines which had been drafted by the staff of the Department of City Planning, as indicated by their title, were oriented towards institutional growth. He felt that additional background data should have been collected by the staff of the Department of City Planning; and he submitted data which he had collected relative to the number of hospital beds in San Francisco which are not being utilized. If data of that sort had been considered, he believed that the guidelines which had been drafted by the staff would be of a different nature. In conclusion, he urged the Commission to be very cautious about taking any action which would encourage institutional growth in residential neighborhoods in San Francisco.

Marcia Lindeen, also representing the Inner Sunset Action Committee (ISAC), advised the Commission that unutilized hospital beds contribute to the rising cost of health care; and she believed that the best solution to the problem would be to require a 10% reduction in the number of hospital beds available in San Francisco. She remarked that there was nothing in the guidelines which had been prepared by the staff of the Department of City Planning which reflected the fact that hospital facilities in San Francisco are already over-built.

Anna Darden, President of the Haight-Ashbury Neighborhood Council, read and submitted the following letter which had been prepared on behalf of the Board of her Council:

"The Board of the Council urges you to reject the proposed 'City Planning Commission Guidelines for Institutional Growth' as modified on October 10, 1976 (the latest version of three the Council has seen).

"The Board urges you to reject the 'Guidelines' for three reasons.

"The first reason is that adoption of such 'Guidelines' is not needed. It is the Board's understanding that the Commission, in October 1974, adopted a memorandum entitled 'Format, Substance, and Procedures to be required for Institutional Master Plans'. That memorandum contains all the positive aspects repeated in the 'Guidelines' with none of the weakening modifications added to the later 'Guidelines'. Additionally, in 1976 the Commission adopted both the Amendment to Section 304.5 of the Planning Code and the Mt. Sutro Community Master Plan, both of which deals with the community concerns in regards to Institutional expansion both on a City wide basis and in very particular terms in the most impacted residential neighborhoods. There is simply no need for any more 'Guidelines'.

"The second reason the Board of the Council urges you to reject the October 'Guidelines' is that they seem to weaken and modify the above mentioned actions already taken by this Commission. Indeed, these proposed 'Guidelines' almost seem to be an attempt to insert an institutional bias into the entire process, thus weakening both Section 304.5 and the Mt. Sutro Community Master Plan.

"For example, while the Mt. Sutro Plan calls for institutions master plans to 'take into account the need to share specialized facilities so as to avoid costly duplication' the proposed 'Guidelines' state, on page 6, institutions (should) endeavore to contact other institutions providing like services within its service area to discuss sharing of facilities or developing areas of specialization.

"The final reason the Board of the Council urges you to reject the proposed 'Guidelines' is that they assume a data base, indeed, rely in critical areas on information that the Commission and its staff simply do not have. Such pseudo-expert guidelines actually sets the stage for the institutions to step in and fill this data vacuum with self serving 'facts and figures'.

"For example, on page 4, under the Criteria section of the Guidelines there appears the statement that, 'Development at that location will significantly advance the performance of the basic mission of the institution'. Upon what information base will the Commission determine what the 'basic mission' of the institution is? What does 'significantly advance' mean and how is that measured? In short, these 'criteria' are really mere platforms for the institution to make its best case. Why codify them and

adopt them as policy when the institutions will make the same case in its presentation to you when it presents its Master Plan or asks for its Conditional Use?

"For these reasons the Board of the Council asks you not to adopt these 'Guidelines'."

Mr. Williams stated that the proposed guidelines had been drafted by the Department of City Planning and not by the West-Bay Hospital Conference; and he indicated that the staff would have been accessible to any neighborhood groups which were interested in the guidelines. He believed that the guidelines would be useful as institutions are preparing their Master Plans for submission to the Department of City Planning. However, if neighborhood organizations and members of the Commission did not feel that the guidelines would be useful, the staff would be prepared to withdraw its recommendation for adoption of the guidelines.

Calvin Welch, 509 Ashbury Street, noted that the Commission had adopted a very detailed memorandum entitled "Format, Substance, and Procedures for Institutional Master Plans" in October, 1974; and he expressed the opinion that the previously adopted guidelines would provide adequate guidance to the institutions which will be preparing Master Plans for submission to the Department of City Planning.

Commissioner Bierman felt that the guidelines which were presently being proposed would, in fact, support future institutional growth; and she believed that the guidelines could be used by hospitals to justify their proposals for expansion. She suggested that adoption of the guidelines should be deferred; and, if neighborhood organizations would feel a need for institutional guidelines in the future, she felt that there should be a close working relationship between the staff of the Department of City Planning and neighborhood organizations in formulating the guidelines to be adopted.

Mr. Engman stated that his organization had decided to oppose adoption of the guidelines when they had become aware of modifications which had been recommended by the staff on October 20. While he was not critical of the efforts which had been made by the staff of the Department of City Planning in preparing the guidelines, he felt that it would be inadvisable for the Commission to adopt the guidelines at the present time.

Commissioner Rosenblatt, noting that neighborhood representative had expressed the opinion that there was the assumption of permissiveness in the guidelines which had been developed by the

staff, stated that he personally believed that the guidelines would be helpful to the Commission in determining whether there is really a need for expansion which might be proposed.

Mr. Engmann remarked that it was the prerogative of the Commission to adopt the guidelines if it felt that they would be useful; however, he did not feel that the guidelines would be useful to neighborhood organizations since they would not require the submission of sufficient data to enable neighborhood organizations to challenge hospitals when expansion is being proposed.

Commissioner Rosenblatt acknowledged that the need for development of a data base but indicated that he felt that the guidelines would be helpful during the interim while the Commission is waiting for a data base to be prepared. He believed that it would be important for institutions to know in advance the type of information which the Commission expected to receive in conjunction with institutional Master Plans.

Mr. Engmann then pointed out that the guidelines which had been prepared by the staff stated that the criteria for the evaluation of institutional growth within residential areas of San Francisco would be applied "in the light of the relative size and neighborhood impacts of the institution". Therefore, as worded, the guidelines would not necessarily require all institutions to submit data on all of the issues cited. Mr. Williams agreed that that section of the guidelines should be changed to require all institutions to submit for evaluation data relative to all of the various issues indicated if the guidelines were to be adopted by the Commission.

Commissioner Mellon remarked that the guidelines could be changed by the Commission in the future; but he felt that institutions were entitled to know in advance what criteria the Commission would be using to evaluate their proposals for expansion.

Mr. Engmann agreed that the Commission should have criteria of evaluation of proposals for institutional expansion. However, he believed that the criteria should be more specific than those which had been drafted by the staff of the Department of City Planning; and additional time would be needed to rewrite the criteria.

After further discussion it was moved by Commissioner Starbuck, that the guidelines be modified by deletion of all but two of the changes made by the staff on October 20, 1976, and that the modified guidelines be adopted by the Commission. The motion was seconded by Commissioner Rosenblatt.

Mr. Bardis felt that the guidelines which had been drafted by

the staff were really guidelines to be used by institutions to continue their encroachment into residential neighborhoods; and he suggested that the Commission should make an effort to devise guidelines which would protect residential neighborhoods against institutional expansion.

Commissioner Bierman offered a substitute motion calling for a one-month delay in adopting the guidelines so that neighborhood organizations would have an opportunity to suggest revised language for the guidelines. The motion failed for want of a second.

Commissioner Starbuck modified his motion to provide that the title of the memorandum should identify the guidelines as "interim" guidelines. The modification was accepted by Commissioner Rosenblatt.

When the question was called, the Commission voted 5-2 to adopt Resolution No. 7610 and to adopt the guidelines, as modified by Commissioner Starbuck. The resolution also declared the Commission's intention to use the guidelines in any determination it makes in the future relative to institutional growth in residential areas. Commissioners Finn, Lau, Mellon, Rosenblatt, and Starbuck voted "aye"; Commissioners Bierman and Dearman voted "no".

At 3:50 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 4:00 p.m. and proceeded with hearings of the remainder of the agenda. Commissioner Rosenblatt was absent from the meeting room for the remainder of the meeting.

ZM76.19 - 581 BUSH STREET, NORTH SIDE, 83.333 FEET EAST OF
STOCKTON STREET.
REQUEST TO CHANGE ZONING USE DISTRICT FROM AN
R-5-C (PROPOSED R-C-4) TO A C-3-G DISTRICT. (EE76.374)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of 3 lots on the north side of Bush Street. One of the lots is vacant; and the remaining lots are occupied by Notre Dame de Victoires Church. The applicant had requested that Lot 14 be reclassified to allow development of a three-story restaurant with owner's residence on the fourth floor; and the two lots occupied by the Notre Dame de Victoires Church had been included in the application to justify the proposed new zoning district boundary as an expansion of the C-3-G district to the east. He called attention to the negative declaration issued for the project on November 5, 1976.

Leonard Ferringo, Pastor of Notre Dame de Victoires Church, asked if reclassification of the church-owned property would in any way jeopardize the tax-exempt status of the church rectory.

Mr. Passmore replied in the negative.

Father Ferringo then stated that he was concerned about the possibility that the proposed use of the adjacent lot would create noise which would interfere with residential occupancy of the church-owned building. He advised the Commission that convents owned by the church and located elsewhere in the neighborhood have experienced noise problems because of the proximity of cocktail lounges; and he hoped that such a problem could be avoided in the present instance.

Victor Abe, attorney for the applicant, assured the Commission that his client would do everything possible to insure that the proposed use would not generate noise which would be disturbing to occupants of the church buildings.

Sam Mori, architect for the applicant, stated that he had included special partitions in his plan to minimize noise; and he indicated that he would be willing to review his plans with Father Ferringo. In reply to a question raised by Commissioner Mellon, Mr. Mori stated that special insulation would be placed in the concrete blocks which would be used for construction of the proposed building. In addition, special acoustical material would be used in the interior of the new building. He stated that the new building would have no windows in the walls located adjacent to the residential buildings.

Commissioner Finn asked if the cocktail lounge on the second floor of the proposed building would have entertainment. Mr. Mori replied that he expected that the lounge might have a piano; however, because of the nature of the new construction, he did not feel that a piano would cause any noise problems.

Mr. Passmore recommended the adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission, before acting on the project itself under Application No. ZM76.19 does hereby certify that it has reviewed and considered the information contained in the negative declaration issued for the project; and

"THEREFORE BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that Application No. ZM76.19 be APPROVED; and

"THEREFORE BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity,

convenience and general welfare require that the Proposed Residential Zoning Districts Map, initiated May 20, 1976, be amended and the subject property classified as R-C-4 be changed to C-3-G."

Commissioner Dearman asked if the proposed use of the fourth floor for a dwelling unit would be legal under the proposed zoning. Mr Passmore replied in the affirmative.

Commissioner Bierman asked if the Commission could establish a condition requiring that the proposed building be soundproofed. Mr. Passmore replied in the negative, indicating that the Commission does not have the authority to establish conditions when acting on zoning reclassifications.

After further discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7611 and that the application be approved. The Commission also requested the applicant to make every effort to soundproof his building in order to avoid disturbing residents of the adjacent church building.

ZM76.20 - 1107-43 OAK STREET, SOUTH SIDE, 95 FEET WEST OF
DIVISADERO STREET.
REQUEST TO CHANGE ZONING USE DISTRICT FROM AN
R-4 DISTRICT TO A C-2 DISTRICT. (EE76.378)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of four lots having a total area of 12,718.75 square feet. He stated that the property is occupied by a four-unit dwelling, a cottage, and the Mish House, which had been designated as a landmark and has been renovated. The Phelps House, unoccupied except for a caretaker, is located on an adjacent lot and would be moved to the rear of the subject property. The applicant had requested reclassification of the property to allow restoration and re-siting of the existing Victorian frame buildings into the proposed Phelps Place Commercial Plaza with a total of approximately 14,000 square feet of commercial space for offices and restaurant use and 10 off-street parking spaces to the rear of the project. Automobile access to the parking area would be along a driveway along the east property line of the Mish House. He indicated that the Commission had received a copy of the negative declaration issued for the project on November 19, 1975.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that the applicant's proposal was generally acceptable to the members of her Board, although she realized that

there is still a great deal of work to be done on the project. She felt that one major advantage of the project would be to relocate the Abner Phelps House so that it would be visible from the street.

No one was present in the audience to speak in opposition to the applicaiton.

Mr. Passmore recommended that a draft resolution with the following resolved clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission before acting on the project itself under Application No. ZM76.20 does hereby certify that it has reviewed and considered the information contained in the negative declaration issued for the project; and

"THEREFORE BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that Application No. ZM76.20 be APPROVED; and

"THEREFORE BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require amendment of the Proposed Residential Zoning District Maps initiated May 20, 1976, and that the subject property be changed from an RH-3 to C-2 district on said map."

After further discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7612 and that the application be approved.

ZM76.21 - 1281-19TH AVENUE, WEST SIDE, 100 FEET NORTH OF IRVING STREET.
REQUEST TO CHANGE ZONING USE DISTRICT FROM AN R-3 (PROPOSED RH-2) DISTRICT TO A C-2 DISTRICT.
(EE76.381)

CU76.44 - 1800 IRVING STREET, NORHTWEST CORNER OF 19TH AVENUE.
REQUEST FOR WAIVER OF CONDITIONS SET FOR IN PRIOR STIPULATIONS IN RESOLUTION NO. 3803, DATED AUGUST, 1950; IN A C-2 DISTRICT. (EE76.381)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of an R-3 lot with 25 feet of frontage on 19th Avenue developed with a 2-unit dwelling. The lot is adjacent to two C-2 lots fronting on

Irving Street developed with a one-story commercial building which contains four shops including a vacant corner liquor store and the other fronting on 19th Avenue occupied by a single-family dwelling. The applicant proposed to demolish the existing commercial building and the adjacent two-unit residential building to allow for construction of a new retail/catalogue store and stockroom. The stockroom and an off-street loading space would extend onto the property which is presently zoned R-3. No off-street parking would be provided on the site. The project would require reclassification of the R-3 lot to C-2. In addition, he was requesting waiver of stipulations imposed on the commercial property by Resolution No. 3802 which restricted public entrance to Irving Street, prohibited all property signs, and limited coverage to 82% of lot area. Mr. Passmore noted that the Commission had received a copy of the negative declaration issued for the project on November 19, 1976.

Michael Carbone, attorney for the applicant, distributed a catalogue which indicated the nature of his client's business. He stated that the proposal was to construct a building which would contain a showroom containing an area of 1900 square feet and a stockroom with an area of 6,000 square feet. The proposed building had been designed so that open space with dimensions of 16 x 28 feet would be available at the northwest corner of 19th Avenue and Irving Street adjacent to the existing bus stop. He informed the Commission that his client already operates four showrooms in San Francisco; and then he indicated that the showrooms are intended to serve residents of the neighborhoods in which they are located, making it unnecessary for them to travel to downtown San Francisco or to Stonestown to purchase articles which are normally sold only in department stores. He believed that the building being proposed would be attractive and that it would strengthen the Irving Street shopping district; and, since the loading space would be accommodated within the building, loading activities would not interfere with traffic in the area and would not be visible to the public. He expected that deliveries would be made approximately once a week, although the schedule of deliveries would be more frequent during the Christmas season. In conclusion, he emphasized that use of the lot which is zoned R-3 would be essential for the project since the storeroom would otherwise be too small to serve the needs of the facility.

Commissioner Starbuck inquired about the average size of the facilities operated by the applicant. Mr. Carbone replied that the other facilities all have a floor area ranging between 9,000 and 10,000 square feet. He regarded use of the residentially-zoned lot to be absolutely essential for the proposed project; and he did not feel that the applicant was requesting the Commission to do anything drastic in moving the line between the residential and

commercial district 25 feet northward. He noted that the line between the Irving Street commercial district and the residential districts to the north and south fluctuates a great deal. At the intersection of 20th Avenue, the commercial district extends 225 feet to the north of Irving Street whereas the commercial district extends only 100 feet north of Irving Street at 19th Avenue. He was aware of no compelling reason to hold the line between the commercial district and the residential district at its present place on 19th Avenue; and, conversely, he felt there were compelling reasons to move the line northward to accommodate the proposed project. He remarked that none of the occupants of the existing building on the subject properties had expressed opposition to the applicant's proposal; and he believed that construction of a new building at a cost of \$250,000 would enhance the Irving Street commercial district. He believed that the staff of the Department of City Planning was concerned about the loss of the 2-unit residential building on 19th Avenue; however, in view of the fact that 19th Avenue carries 42,000 cars a day and has a very high noise level, he did not view the street as an appropriate site for housing. He noted that the Commission had recently approved an application for a restaurant on the southwest corner of 19th Avenue and Lincoln Way. When that application was being considered, the staff of the Department of City Planning had taken the position that housing would not be appropriate on that property; and he felt that the same argument should apply to the property presently under consideration. He remarked that the new restaurant will have 35 off-street parking spaces; and those parking spaces, as well as others in the area, would be available for use by his client's customers. Therefore, he did not feel that the proposed use would cause any parking problems in the area. In conclusion, he stated that his client hires mostly young people, 65% of whom are minorities and he indicated that the staff of the proposed facility would fluctuate between 12 and 40 employees depending on the season.

Commissioner Dearman asked if the employees hired by the applicant are all over the age of 18. Mr. Carbone replied in the affirmative, indicating that most of the employees are in their twenties.

Dana Hester, 1259 21st Avenue, stated that he was not opposed to the business being proposed by the applicant and was sure that it would be patronized by members of his family. However, he was concerned about the impact which the proposed use would have on the neighborhood in terms of traffic. He stated that 19th Avenue is, in effect, a "freeway"; and he felt that it would be extremely difficult for trucks to back into the subject site from 19th Avenue in order to unload merchandise. He also believed that the proposed store would generate pressures to install additional signs in the neighborhood prohibiting left turns; and, as a result, additional traffic

would be funneled onto 20th and 21st Avenues, which are residential in character.

Marjorie Lonergan, a resident of the neighborhood, urged the Commission not to take any action which would result in the demolition of another residential building on 19th Avenue.

Clayton Shaw, a resident of one of the buildings owned by the applicant, confirmed that the neighborhood has a traffic problem; and he remarked that metered parking spaces and parking lots in the area are generally filled to capacity. He advised the Commission that he had received a catalogue from the Consumers Distributing Company three months ago and had become aware of the fact that he would eventually have to move if the new business were to be developed on the subject site; but he indicated that he had not yet been able to find a suitable place to move. He stated that the building which he occupies has not been well maintained; and he estimated that it would cost between \$8,000 and \$10,000 to bring it up to Code standards. Since he also operates his business from the building in which he resides, he asked that he be given approximately three months notice by the applicant before he is required to move if the subject application should be approved by the Commission.

Mrs. Panol, 1269 19th Avenue, stated that her property is next-door to the subject site. She remarked that she had appeared before the Commission in opposition to the restaurant which was proposed for the southwest corner of 19th Avenue and Lincoln Way; and she indicated that both she and her son were present in opposition to the subject applications. She emphasized that 19th Avenue is a residential street; but she felt that corner properties along the street are being threatened by "speculators". She felt that the Commission should make an effort to preserve the residential character of the street. While she acknowledged that the building on the commercial parcel of property under consideration is run-down and unattractive, she remarked that it is occupied by businesses which provide services for residents of the neighborhood.

Jack Crystal, owner of property at the southwest corner of 19th Avenue and Lincoln Way which will be developed with a restaurant, advised the Commission that he was very much in favor of the applicant's proposal. He remarked that the subject block is in need of up-grading; and he had hoped that his proposal for a new restaurant would encourage other new developments in the area. In conclusion, he stated that he did not feel that the proposed use would generate any more traffic than the liquor store which had previously been in operation on the site.

Bill Sullivan, owner of a business on Irving Street, stated that the area does have traffic problems. Therefore, he felt that it would be appropriate to give consideration to the amount of traffic which would be generated by the proposed use and the effect which the unloading of merchandise would have on traffic in the area.

Mrs. Joseph Call, 1831 Lincoln Way, remarked that there are bus stops on both ends of the 19th Avenue frontage of the subject block; and, as a result, the number of off-street parking spaces in the block is limited. She also indicated that she had heard that the new restaurant will have valet parking; and, if so, she wondered where customers coming to the new catalogue store would park.

Mr. Carbone stated that he had surveyed the parking situation in the subject neighborhood at 11:00 a.m. on Wednesday morning, October 13, and had found that a considerable number of on-street and off-street parking spaces in the area were not being utilized. He indicated that the delivery truck would back into the loading space and would leave the building front end first. He stated that the deliveries would not be made during commute hours; and he indicated that the number of deliveries would range from 1 to 5 or 6 a week. He also remarked that the subject site is well served by public transportation; and, as a result, not all of the customers visiting the store would arrive by private automobile. He stated that his client would have no objection to giving 60 or 90 day notice to the occupants of the buildings who would be required to move. In conclusion, he acknowledged that 19th Avenue is a "freeway"; but he felt that his client's business would not substantially affect traffic in the area one way or the other.

Commissioner Finn inquired about the depth of the proposed loading bay. The applicant's architect replied that the loading bay would have a depth of 45 feet from the building line.

Commissioner Finn then asked if any portion of trucks using the loading bay would extend over the sidewalk area. Mr. Carbone replied in the negative.

Commissioner Bierman remarked that it seemed likely that delivery trucks would interfere with traffic on 19th Avenue if they were to back into the loading bay.

Commissioner Mellon stated, that they would probably cause little interference if they were to coordinate their movements with the traffic light at Lincoln Way.

Mr. Passmore recommended that application ZM76.21 for reclassification of the property at 1281-83 19th Avenue from R-3 to C-2

be disapproved because approval of the application would result in the demolition of a two-family house to allow for the development of a retail/catalogue store without any compensating public benefit. With regard to the Conditional Use Application, he recommended that two of the stipulations established by Resolution No. 3803 be waived, but that the stipulation prohibiting the installation of projecting signs on the 19th Avenue frontage of the site be retained. The stipulations which would be waived would be those restricting any public entrance to the Irving Street frontage of the commercially-zoned lot and limiting the coverage of that property to 82% of the lot area.

Commissioner Bierman, noting that the applicant would not be able to proceed with the proposed development if the application for reclassification of the residential property to C-2 were not approved, asked if the waiver of stipulations previously established would pertain to any alternate use of the site. Mr. Passmore replied in the affirmative.

After further discussion it was moved by Commissioner Dearman, and seconded by Commissioner Bierman that Application No. ZM76.21 for reclassification of the property at 1281-83 19th Avenue from R-3 to C-2 be disapproved.

Mr. Carbone remarked that disapproval of the application for reclassification of the residential property would mean that the proposed project could not be developed.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7613 and to disapprove the Application ZM76.21 for reclassification of the property at 1281-83 19th Avenue.

Subsequently, it was moved by Commissioner Starbuck and seconded by Commissioner Mellon that Resolution No. 7614 be adopted approving Application CU76.44 in part to waive two of the prior stipulations established by Resolution No. 3803 as described by Mr. Passmore.

Commissioner Dearman asked how the applicant had been able to propose a project involving 10,000 square feet of floor area without providing off-street parking spaces. Mr. Passmore replied that the requirement for off-street parking pertains only to occupied floor area, excluding storage areas; and he remarked that the project proposed by the applicant was unique insofar as the storage area would have exceeded the amount of sales area.

CU76.24 - 501 AND 503 EUCLID AVENUE, SOUTHWEST CORNER OF PARKER AVENUE.

REQUEST TO ALLOW CONTINUATION OF A DENTAL OFFICE IN AN EXISTING ONE-FAMILY DWELLING; IN AN R-3 AND PROPOSED R-2 DISTRICT. (EE76.240)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a 35 foot frontage on Euclid Avenue and a 103 foot frontage on Parker Avenue. The property is occupied by a one-family dwelling with 2200 square feet of floor area and a dental office with 470 feet of floor area. The property is zoned R-3. He stated that the house was built in 1950 with an accessory dental office; and both the house and the office were used by the same dentist from 1950 to 1974 when the property was purchased by the present applicant. Subsequently, the original dentist remained as a tenant in the office portion of the building. The Planning Code in effect at the time the building was constructed permitted certain professional offices, including dental offices, as accessory uses, but was not so specific as the present Code about limiting conditions. The current City Planning Code defines accessory use as a related minor use which is appropriate, incidental, and sub-ordinate to the principal use of the property. Section 114 of the Code specifies that the accessory use should not occupy more than 25% of the dwelling unit and that persons not residents in the building shall not be employed in an accessory use. A non-conforming use is defined in the City Planning Code as a use which conformed to zoning regulations at the time it was started but which does not conform to zoning regulations adopted after the use was in existence. When the applicant had filed for Conditional Use Authorization to validate the dental office as a non-conforming use, the Zoning Administrator had determined that the application was improper and that the dental office is an accessory use only and could be used only by a resident professional. On appeal, the Board of Permit Appeals had ordered the Zoning Administrator to place the application before the Commission for consideration. Subsequently, the City Attorney, in a written opinion, had stated that the Department may not screen applications from the Commission and that the applicant had a right to a hearing before the Commission. Therefore, the matter had been calendared for consideration by the Commission. Given the unusual nature of the case, Mr. Passmore felt that it would be appropriate to give the staff recommendation on the matter prior to opening the public hearing. He recommended that the application be disapproved because the Planning Code does not allow non-resident-operated dental offices in an R-3 district and because the applicant had not demonstrated sufficient need for the use in the neighborhood. He also remarked that the applicant is a professional person and a resident of the building and would therefore be entitled to use the ground floor office as his private office

under the accessory use provisions of the City Planning Code. He noted that the Commission had received a copy of the negative declaration issued for the project on November 19, 1976.

Donald J. Lawrence, owner of the subject property, confirmed the history of this case as cited by Mr. Passmore. He noted that the dental office had been in existence for 26 years; and he indicated that the dentist who had occupied the office had always had two non-resident employees on his staff. Since the use was legal when the new City Planning Code was adopted in 1960, he contended that the use should qualify for non-conforming use status under the provisions of the City Planning Code. He remarked that the property is well-landscaped and attractive; and he indicated that it would be difficult for passers-by to know that a commercial use exists on the site. He advised the Commission that no residents of the neighborhood had objected to the use with the exception of a property owner who lives at 112 Commonwealth Avenue; and, although that individual had argued that continuation of the use would destroy the residential character of the neighborhood, he pointed out that continuation of the office would actually result in no change whatsoever in the character of the area. He noted that properties across the street from the subject site are zoned R-4; and he indicated that the City Planning Code would allow installation of professional offices on those properties. He stated that the individual who had objected to the dental office does have a parking problem; however, since that individual owns three automobiles, he felt that there was nothing that he could do to relieve the man's problem. When the dentist had owned the property he had allowed his patients to park in the driveway on Parker Street; and he advised the Commission that he had continued that practice. When he had purchased the property in 1974, the agreement of sale had been based on continued existence of the dental office as a non-conforming use; and the only request which he was making of the Commission was to allow the continuation of an office which has been in existence for 26 years. In conclusion, he stated that he did not feel that continued operation of the office could in any way have a detrimental impact on the neighborhood.

Commissioner Starbuck asked the applicant what stance he would take in 1980 when non-conforming uses are scheduled to expire. Mr. Lawrence replied that he would apply for annual extensions of the non-conforming use if such a mechanism is available. If not, he would abide by the provisions of the law.

Commissioner Bierman indicated that she was concerned about the status of the dentist and remarked that it would be unfortunate if the Commission were to inconvenience his patients.

Mr. Passmore stated if he had been in the Zoning Administrator's position that continued operation of the dental office had been in violation of the City Planning Code since 1974 when the property was purchased by Mr. Lawrence. That violation had obviously been overlooked by the Department since 1974. However, when the applicant had voluntarily filed a Conditional Use Application request for non-conforming use status for the use, the staff had taken the position that the City Planning Code would not permit the Commission to approve the Conditional Use Application since the dental office is no longer operated by a resident dentist.

Mr. Leonard contended that the use is in fact a non-conforming use which runs with the land unless the use is expanded or destroyed by fire.

Mr. Passmore replied that if non-conforming status was considered then the City Planning Code provides that a non-conforming use may be changed to a use of the same or of a more restrictive character but may not thereafter be changed to any less restricted use; he indicated that occupancy of the office by a non-resident dentist involved a change to a less restricted use, and that this position had the informal endorsement of the City Attorney's office.

Mr. Leonard expressed the hope that the Commission would be willing to allow the use to continue until May 2, 1980, in order to provide time for the dentist to phase out his practice.

No one was present to speak in opposition to the applicant.

Commissioner Finn moved that the application be disapproved based on the representations which has been made by the staff after consultation with the City Attorney's office. The motion was seconded by Commissioner Starbuck.

Mr. Passmore stated that the decision of the Commission could be appealed to the Board of Supervisors by the applicant. However, if an appeal is not perfected, the staff of the Department of City Planning would meet with the applicant to establish a fair time limit within which the dental office must be removed.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7615 and to disapprove the subject application.

DECEMBER 2, 1976

CU76.38 - 89 BELLE AVENUE, SOUTH SIDE, OPPOSITE CHESTER AVENUE.
ST. CHARLES AVENUE, WEST SIDE, 66.67 FEET SOUTH OF
BELLE AVENUE.

REQUEST TO ALLOW CONTINUATION BEYOND JANUARY 1, 1977,
OF A TEMPORARY 250-SPACE PARKING LOT; IN AN R-1 AND
PROPOSED RH-1 DISTRICT. (EIR BY DALY CITY)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is a triangular-shaped site having an area of approximately 82,550 square feet of which approximately 23,750 square feet of property, including all access to the site, is located within the City and County of San Francisco. The remaining 58,750 square feet of property lies in Daly City. On May 29, 1975, the City Planning Commission adopted Resolution No. 7326 granting Conditional Use Authorization for use of the property as a temporary parking lot and established a condition that the parking lot could be used for only one year from the actual commencement of the use. Daly City started using the parking facility on January 1, 1976; and, as a result, the Conditional Use Authorization would terminate on January 1, 1977. Daly City had filed the subject application to request extension of the termination date. Mr. Passmore stated that the purpose of the parking lot had been to provide parking space to compensate for spaces adjacent to the Daly City BART Station which were removed to accommodate construction of a new garage. However, the first phase of the garage construction has been completed; and approximately 104 more parking spaces are available adjacent to the BART Station than were available prior to the construction project.

David Rowe, City Manager of Daly City, remarked that residential areas in San Francisco and Daly City have experienced severe congestion because of the number of people who drive automobiles to the area in order to transfer onto the BART system; and he indicated that Daly City was making an effort to provide additional parking spaces in the area to overcome that problem. He remarked that the subject parking lot had not generated any complaints during the time it had been in operation; and it has had the effect of removing some traffic congestion from streets in the area. Between 180 and 200 cars use the lot each day. He felt that there would be a continued need for the parking lot, particularly during the next year while the second phase of the garage at the BART Station is under construction; and, although the estimated completion date of the garage is October, 1977, he hoped that the Commission would authorize extension of the parking lot for at least one year. He emphasized that 75% of the parking lot is located in Daly City and that only 25% of the property is located in San Francisco. He also observed that there is a possibility that a preferential parking program will be initiated in the adjacent San Francisco neighborhood; and he

pointed out that such a program would increase the demand for off-street all-day parking spaces in the area.

Commissioner Starbuck inquired about plans being formulated by SAMTRANS for feeder bus service to the BART Station. Mr. Rowe replied that SAMTRANS intends to provide a system which will serve all parts of Daly City and which will be oriented towards the Daly City BART Station. He remarked, however, that the subject parking lot is used primarily by people from San Francisco and other areas of the peninsula and not by people from Daly City.

Hartley Appleton, Attorney for the estate of Walter Prehn, owner of the subject property, stated that the property is heavily encumbered because of efforts which Mr. Prehn had made to develop it. Mr. and Mrs. Prehn had previously operated a flourishing floral arts business on the site, but the business had to be closed when the new Southern Freeway, in conjunction with Junipero Serra Boulevard, caused the site to be "landlocked". Although both Daly City and San Francisco assessments of the property are quite high, the best bid which had been received had amounted to only \$150,000; and the encumbrances on the property exceed that amount. The parking lot serves a public need and helps somewhat to lessen the parking problems in the subject neighborhood; and it provides some income for the Prehn Estate. Therefore, he hoped that authorization for the parking lot would be extended. Furthermore, if authorization for the parking lot were granted on a permanent basis, there was some possibility that Daly City would be interested in buying the property; and for that reason, he hoped that the Commission would grant authorization for permanent use of the property as a parking lot.

No one was present to speak in opposition to the application.

Mr. Passmore recommended that the application be disapproved. He noted that the parking lot had been approved as a temporary measure while the first phase of construction of the new parking garage was in progress; and he emphasized that the first phase of the garage has been substantially completed. He pointed out that access to the subject property is by way of narrow streets in a residential district in San Francisco; and, as a result, it could be argued that the parking lot use of the subject property is inappropriate. Finally, field checks which have been made by the staff of the Department of City Planning had indicated that the parking lot has not relieved on-street parking congestion in the neighborhood.

It was moved by Commissioner Starbuck and seconded by Commissioner Finn that the application be disapproved.

Mr. Appleton stated that the parking lot does not generate traffic since automobiles which use the lot would be coming to the neighborhood in any case; and, therefore, the existence of the lot must relieve traffic congestion in the neighborhood.

Commissioner Bierman asked if any residents of the neighborhood had complained to the Department of City Planning about the parking lot. Mr. Passmore replied in the negative but indicated that the fact that residents of the neighborhood had filed for implementation of a preferential parking program in their area was in itself an indication that a problem exists.

Commissioner Finn observed that residents of the neighborhood had spoken in opposition to the parking lot when the matter was previously before the Commission.

Commissioner Mellon remarked that he lives in the general area of the subject neighborhood and had observed that the neighborhood does have a critical parking problem. He felt that the parking lot would help to some extent to alleviate that problem; and furthermore, the lack of opposition to the request for extension of the parking lot indicated that residents of the neighborhood were not opposed to the lot.

Commissioner Finn stated that he might be willing to support approval of the application if extension of the use were to be authorized for no more than one year. He then asked Mr. Rowe if Daly City had made a survey of the origins of vehicles which park on the streets in the subject neighborhood. Mr. Rowe replied in the negative but indicated that BART had made such a survey and had found that 30% of the automobiles are from San Francisco and that 55% of the automobiles are from peninsula areas south of Daly City.

Commissioner Finn then remarked that the Daly City BART Station is primarily used by residents of San Mateo County; and the streets on which the commuters park belong to the tax-payers of San Francisco. He felt that it would be preferable to achieve a reduction in the amount of automobile commuters and an emphasis on mass transit. When the question was called, the motion to disapprove the subject application failed by a vote of 2 to 4. Commissioners Finn and Starbuck voted "aye"; Commissioner Bierman, Dearman, Lau and Mellon voted "no".

Subsequently, it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried 5 to 1 that Resolution No. 7616 be adopted and that the application be approved to authorize continued use of the parking lot for a period of one year. Commissioners Bierman, Dearman, Finn, Lau, and Mellon voted "aye"; Commissioner

Starbuck voted "no".

CU76.42 - 364-366 EUREKA STREET, WEST SIDE, 204 FEET NORTH OF 21ST STREET.
REQUEST FOR AUTHORIZATION FOR AN INFANT DAY CARE PROGRAM FOR 10 INFANTS; IN AN R-2 AND PROPOSED RH-2 DISTRICT. (EE76.391)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a 25-foot frontage on Eureka Street and a depth of 630 feet. The property is developed with two flats. The upper flat is occupied by a family; and the lower flat has been occupied by the San Francisco Infants School since June 1, 1976, with a maximum of 8 children. The applicant was requesting authorization to operate an Infant Development Program for a maximum of 10 children from six months to three years old in the lower rental unit. No building alterations were being proposed. Hours of operation would be from 7:45 a.m. to 6:00 p.m. Monday through Friday, year-round. The play yard is in front, the back is screened by a high bank, shrubbery and a fence. Hot lunches are provided. Two full-time and two part-time teachers constitute the staff. The outdoor play area on the site exceeds 1,000 square feet. A negative declaration was issued for the project on November 5, 1976.

President Lau asked if anyone were present in the audience in opposition to the subject application.

William Sullivan, 258 Eureka Street, stated that he owns property immediately adjacent to the subject site; and he indicated that he was representing two other neighboring property owners in addition to himself. He stated that he had been opposed to the school since it was established more than six months ago; and he stated that he considered the use to be illegal. He advised the Commission that State licensing agencies apparently are satisfied with written statements to the effect that applicants will comply with all local laws; and, if they do not comply with local laws, it is up to the local jurisdiction to resolve the problem. He stated that there are an average of five or six children on the property each day, and the children create an enormous amount of noise. He stated that he had purchased his property because it was in a quiet residential area; and now he is faced with the irritation of the perpetual screaming of children all day long. His days off from work fall on Monday and Tuesday; and on other week days he often arrives home early in the afternoon because of a continuing illness. At such times, he had found the noise created by the children next-door to be unbearable. While he recognized that there is a need for child care centers, he noted that such centers are actually a form of

business operation; and he did not feel that it was appropriate for them to be in residential neighborhoods where they violate their neighbors' right to privacy. If the subject application were to be disapproved, the parents of the children attending the school would not be inconvenienced because other similar facilities are available in the City. However, if the application were to be approved, residents of the subject neighborhood would be penalized.

Kathleen Murray, the applicant, stated that she lives in the dwelling unit above the school. In creating the school, her objective had been to provide a quality program for children; and she advised the Commission that the premises had been inspected on several occasions by the Fire Marshall and the State Department of Health. She indicated that the school had been organized as a non-profit corporation; and she indicated that the school had barely paid its own way. Although a member of the staff of the Department of City Planning had written to the City Attorney indicating that the operators of the school had refused to apply for Conditional Use Authorization, there had actually been no such refusal; and the letter to the City Attorney was later resinded. In conclusion, she stated that professionals in the child care field consider the program of the school to be one of the better programs in the Bay Area.

Commissioner Dearman asked why the school had not applied for Conditional Use Authorization at an earlier date. Ms. Murray replied that she had understood that the Department of City Planning had proposed that the type of program operated on the site should be exempt from Conditional Use requests.

Commissioner Starbuck asked if representatives of the school had met with other residents of the neighborhood. Ms. Murray replied that the school had sent a letter to all of the residents of the neighborhood to introduce themselves and to explain their program. She had received no formal responses to the letter. Informal conversations had occurred with some residents of the neighborhood; but no objections had been raised to the use other than from Mr. Sullivan. Because of Mr. Sullivan's complaints, an effort had been made to reduce the level of noise at times when he is home; and she indicated that she would be willing to continue to work with Mr. Sullivan to resolve the problem. However, because of the tension which had existed between the staff of the school and Mr. Sullivan, she had not wanted to put other residents of the neighborhood "on the spot" by asking them to take a position regarding the subject application.

Other staff members of the school who were present in the audience described the concepts behind their program and explained they had made an effort to minimize the noise made by the children.

Ms. Murray advised the Commission that the children have become more stabilized as they have become acquainted with one another; and, in view of the fact that the children will remain at the school until they are three years old and eligible to enter pre-school programs, she felt that the noise would continue to decrease.

Commissioner Finn stated that he was somewhat concerned about the fact that the applicants had been astute enough to obtain other permits which were required for the school but had failed to obtain Conditional Use Authorization for the use. Ms. Murray replied that they had contacted a member of the staff of the Department of City Planning who had suggested that they not bother to obtain Conditional Use Authorization for the use.

Mr. Passmore stated that the new residential zoning standards which had been initiated by the Commission on May 20, 1976, would allow a child care center of up to 10 children in a residential district without Conditional Use Authorization; however, since the new zoning standards have not been formally enacted, the more restrictive standards which were in the Code prior to May 20 still prevail. On that basis, a Conditional Use Authorization would be required for the subject school. He stated that the staff had been sympathetic to the applicant's proposal and had been prepared to recommend approval of the application. However, because of the opposition which had been expressed by the neighboring property owner, he recommended that the matter be taken under advisement for two weeks so that the staff would have an opportunity to investigate possible measures which could be undertaken to mitigate the noise problem.

Commissioner Bierman stated that she was sympathetic to people who are disturbed by noise created by their neighbors; and she felt that every effort should be made to resolve the problem presently under consideration. She suggested that one solution might be to reduce the amount of time the children are allowed to be outside.

Sandra Briggs stated that she has a one-year-old daughter enrolled in the school; and she observed that children attending the school are no more or less noisy than children or pets that might be playing in an adjacent backyard in a residential neighborhood. She felt that normal people should be able to get along with such noise.

Ms. Murray invited members of the Commission to visit the site at any time to witness the school's activities.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the

matter be taken under advisement until the meeting of December 16, 1976. The Commission requested the applicant to try to satisfy the concerns of the neighboring property owner during the interim.

CU76.43 - 1081-97 PINE STREET, SOUTHWEST CORNER OF JONES STREET.
REQUEST TO ALLOW CONVERSION OF A NON-CONFORMING
COMMERCIAL BUILDING INTO PROFESSIONAL OFFICES FOR
PSYCHIATRISTS' IN AN R-5 AND PROPOSED R-C-3 DISTRICT.
(EE76.393)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 87.5 feet on Pine Street and 37.5 feet on Jones Street for a total area of 3,282 square feet. The existing non-conforming one-story building on the site is occupied with two laundries and a bar. The termination date for the non-conforming use is May 2, 1980. The applicant proposed to convert the building into professional offices for psychiatrists. An increase in floor area would result from the addition of a mezzanine level; and a total of 8,340 square feet of office space would be available within the building. No off-street parking would be provided on the site. The facade of the building would be finished with shingles and the existing signs would be removed. A negative declaration was issued for the project on November 5, 1976.

President Lau asked if anyone were present in the audience to speak in opposition to the application and received a negative response. He then asked Mr. Passmore to give the staff recommendation on the matter.

Mr. Passmore recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Starbuck asked how many offices would be housed in the building. The architect for the applicant replied that he understood that his client intended to house two or three psychiatrists in the building.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7617 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

DR76.12 - 2151 LAGUNA STREET, SOUTHWEST CORNER OF CLAY STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE
APPLICATION TO ALLOW A FOURTH DWELLING UNIT BE ADDED
TO AN EXISTING 3-UNIT APARTMENT BUILDING: IN AN
R-4 AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 60.8 feet on Laguna Street and 137.5 feet on Clay Street. The property is occupied by a three-unit, four-level apartment building with five off-street parking spaces, four of them independently accessible. The applicant proposed to add a fourth dwelling unit with two bedrooms by building at ground level at the southwest corner of the existing building an addition with 1,074 feet of floor area and converting an existing storage area behind the parking spaces. The front entryway of the new unit would be along the south wall of the building on Laguna Street. Mr. Passmore explained that the proposed RH-2 density standards allow development of a two-family dwelling on a lot and additional units under a standard of one unit for each 1500 square feet of lot area. Therefore, a five-unit building could be allowed by Conditional Use on the subject lot under those standards. However, until the RH-2 standards are formally enacted, such matters are being brought before the Commission for Discretionary Review. He stated that 43 units could be constructed on the site under the present R-4 zoning standards. The project is exempt from environmental review under CEQA.

President Lau asked if anyone were present in the audience in opposition to the subject application and received a negative response. He then requested Mr. Passmore to present the staff recommendation on this matter.

Mr. Passmore recommended that the application be approved subject to a condition specifying that the fourth dwelling unit should be developed in general conformity with preliminary plans which have been filed with the Department of City Planning.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7618 be adopted and that the application be approved subject to the condition which had been recommended by Mr. Passmore.

DR76.12 - 370-374 MONTEREY BOULEVARD AT DETROIT STREET STEPS. DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NOS. 451541 AND 458701 AND GRADING PERMIT APPLICATION NO. 466872 FOR THE CONSTRUCTION OF TWO 20-UNIT APARTMENT BUILDINGS. RECONSIDERATION OF CONDITIONS SET FORTH IN RESOLUTION NO. 7509; IN AN R-3 AND PROPOSED RM-1 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the subject building permit applications had been before the Commission for discretionary review on June 10, 1976; and, at that time, the Commission had approved the permit applications subject to conditions which were contained in Resolution No. 7509. One of the conditions established by that Resolution required changes in the plans to incorporate trees, which were then growing on the site, into the design of the proposed building. The applicant had filed an appeal of the conditions to the Board of Permit Appeals. However, before that Board acted upon the matter, the applicant had cut down all of the trees which the Commission's resolution would have required to be retained. On June 30, the Board of Permit Appeals sustained the Planning Commission's position in the matter. Because of the removal of the trees, it was impossible for the applicant to meet the conditions which had been established by the Commission; and the applicant had requested that the Commission reconsider the conditions which had previously been established. The project designer had met with the staff of the Department of City Planning to discuss design modifications to compensate for the violation of Resolution No. 7509; and, as a result, changes in the facade and a three-foot setback had been proposed. A landscaping plan was also proposed. A resident of the neighborhood had expressed concern about the density of the proposed project; but the applicant had refused to reduce the number of units in the building.

John Bättencourt, 387 Joost Street, represented the Sunnyside Neighborhood Association. He indicated that members of his association still objected to the scale of the proposed building; and, with the exception of more extensive landscaping, they regarded the plans to be essentially the same as those which had been submitted more than one year ago. Like the original plans, the present plans called for construction on the portion of the site where the trees had previously existed.

Commissioner Finn remarked that he had previously voted to approve the subject building permit applications. Nevertheless, he was concerned about the fact that the applicant had arbitrarily violated one of the conditions which had been established by the Commission; and he asked if the staff had consulted with the City Attorney's office regarding the legal status of the action which

had been taken by the Commission and which had been upheld by the Board of Permit Appeals.

Mr. Passmore replied that he had informally reviewed the matter with the City Attorney's office, and that the applicant, in cutting down the trees, had not violated any law. Yet, he had violated a condition which had been established by the Commission. Under the circumstances, it would be within the discretion of the Commission to decide whether the condition should remain in force or if it should be modified.

Commissioner Starbuck stated that he had previously been concerned about the continuous facade of the buildings, each of which would have a length of 148 feet; and, referring to a rendering of the buildings which was posted on the wall of the meeting room, he observed that no effort had been made to "break-up" the facades of the buildings.

Samuel Schneider, designer for the applicant, stated that he had made an effort to vary the facades so that they would not have a continuous appearance; and indicated that one of the buildings would have a wood facade while the other would have a stucco facade. He also noted that open space would be visible between the two buildings. He felt that the proposed buildings would be more attractive than others which presently exist in the area; and he advised the Commission that the landscaping project had been designed by a professional landscape architect.

Mr. Passmore recommended that the permit applications be approved subject to the two following conditions:

- "1. Final facade materials and colors shall be in general conformity with Exhibit 'A', titled Monterey Blvd. Apartments, Elevation, dated December 1, 1976, and must receive final approval from the staff of the Department of City Planning.
- "2. Street trees and other landscaping shall be installed in conformity with the scheme labeled Exhibit 'B', titled Landscape Plan dated October 25, 1976, with revisions dated November , 1976, including the city-owned right-of-way along the Detroit Street steps. Planted areas on the property shall be provided with automatic irrigation and permanently maintained in conformity with the landscaping on file with the Department of City Planning."

Commissioner Bierman remarked that it may have appeared that the condition requiring retention of the trees had been established by the Commission merely to assure that the trees would be retained; but she noted that some members of the Commission had also felt that that condition would improve the project by reducing the number of units and by altering the general appearance of the development. She stated that she resented the fact that the applicant had ignored the wishes of the Commission; and she continued to feel that the applicant should redesign his project so that it would be more in keeping with the general character of the neighborhood. She noted that the proposed project would take maximum advantage of the site; and she felt that some open space should be provided on the property.

Commissioner Mellon remarked that the applicant had previously taken the position that it would not be feasible to develop the property if the trees were to be retained. He also noted that the trees which had been removed were eucalyptus trees; and he felt that eucalyptus trees are somewhat undesirable in a residential area.

Commissioner Finn stated that he shared Commissioner Mellon's sentiments regarding eucalyptus trees. However, since the applicant had violated a condition which had previously been established by the Commission, he wondered how the Commission could have any assurance that the applicant would honor the conditions which had been recommended by Mr. Passmore in the present instance.

Mr. Passmore stated that the applicant had verbally agreed to abide by the new conditions.

Commissioner Mellon noted that the applicant had previously made no agreement to cut down the trees.

Mr. Schneider confirmed that his client had not made a previous commitment to retain the eucalyptus trees. He also remarked that eucalyptus trees can be dangerous unless they are well maintained; and he estimated that the maintenance of the trees would have cost \$1,000 per year. In addition, retention of the trees would have required the applicant to "donate" a \$20,000 lot for open space.

Commissioner Dearman again stated that she did not consider retention of the eucalyptus trees to be the major issue; and she indicated that she would be willing to vote for approval of revised plans which would involve the planting of some other species of trees where the eucalyptus trees had stood. In her opinion, provision of some open space would vastly improve the appearance of the project.

Mr. Bettencourt asked if the conditions which had been recommended by Mr. Passmore would remain in force if the applicant should sell the subject property. Mr. Passmore replied that the conditions would remain in effect only so long as the Building Permit Applications remain valid.

After further discussion it was moved by Commissioner Mellon and seconded by Commissioner Finn that the Building Permit Applications be approved subject to the conditions which had been recommended by Mr. Passmore. When the question was called, Commissioners Finn, Lau and Mellon voted "aye"; Commissioners Bierman, Dearman, and Starbuck voted "no". Therefore, in accordance with the Rules and Regulations of the City Planning Commission which provide that "a tie-vote on any matter before the Commission shall be deemed to be a disapproval thereof," Resolution No. 7619 was adopted and the Building Permit Applications were disapproved.

DR76.30 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 459558 FOR APARTMENTS AT 316 - 12TH AVENUE.
(Continued from meeting of October 21, 1976.)

Mr. Passmore noted that the applicant, during the meeting on October 21, had requested that this matter be taken under advisement until February, 1977. However, because residents of the neighborhood were concerned that the building might be demolished during the interim, the Commission had requested that the matter be returned to the calendar at an earlier date. He stated that the owner of the property had been out-of-town most of the time since the matter was previously considered; and he advised the Commission that no progress had been made in finding someone who would be willing to purchase the property with the aim of retaining the existing building. He recommended that the matter be continued under advisement until the meeting of February 3, 1977.

It was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that this matter be continued under advisement until the meeting of February 3, 1977.

DR76.32 - CONSIDERATION OF DRAFT RESOLUTION DISAPPROVING
BUILDING PERMIT APPLICATION NO. 453344 FOR THE
CONSTRUCTION OF A 63-UNIT APARTMENT BUILDING AT
2120 STOCKTON STREET.
(Postponed from meeting of November 18, 1976.)

Mr. Passmore noted that the Commission had decided to disapprove the subject Building Permit Application during its meeting on November 18, 1976; and it had requested the staff to prepare a draft resolution of disapproval for its consideration. He indicated that

copies of the draft resolution had been distributed to members of the Commission.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7620 and that the application be disapproved.

DR76.40 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW
OF BUILDING PERMIT APPLICATION NO. 464923 FOR A
3-STORY OFFICE BUILDING AT 1892-98 UNION STREET.

Robert Passmore, Planner V (Zoning), stated that the Commission had received two letters from Alan Wendroff, President of the Union Street Association, regarding this matter. A portion of the first letter, dated October 21, read as follows:

"In response to your inquiry on our reactions to the new building planned for the N. E. corner of Laguna and Union, we asked the architects for copies of the plans. Unfortunately, we did not receive them until Friday, October 15, the day of the environmental impact hearing and they could not be reviewed by the Board committee until the first of this week. It would seem too late for us to ask for much change in the structure, but we do feel that the effect on the surrounding blocks would be softened if the building were to be painted -- as most of the Victorians are -- and some trim considered. There are already several contemporary redwood buildings in the street, disrupting the pattern of the older structures.

"There also seems to be some difference of opinion on the advisability of changes in the sidewalk and we would appreciate guidance on that issue. Perhaps an overall plan for sidewalks in the area should be considered."

The second letter, dated October 25, read as follows:

"As a result of our concern for the future of Union Street 'in historic Cow Hollow' as expressed in our letter of Thursday, October 21, the Union Street Association would like to ask the Planning Commission for discretionary review of the new building proposed for the northeast corner of Laguna and Union.

"We feel that a contemporary building of this size (two stories with tower) of redwood with a brick sidewalk would be a major visual interruption in the street of mainly

Victorian facades. Many of the older buildings have been renovated, painted, and emphasize the trim and details of the turn of the century. As the Wells Fargo Building on the northwest corner is already brick -- the area would be largely brick/red with little softening effect.

"A number of contemporary buildings have already replaced Victorians which give the neighborhood its special character. We feel that a strong effort must be made to preserve the ambience of the street both in renovations and in new building."

Mr. Passmore stated that it did not appear that the building, as proposed, would have a significant adverse effect on the neighborhood, and; therefore, he recommended that the Commission not take the matter under discretionary review.

Mr. Wendroff, who was present in the audience, stated that the Victorian character of Union Street contributed to its success as a commercial district; and the intrusion of other types of buildings had threatened the character of the area. He stated that members of his association were involved in a survey of the street which might lead to the establishment of an historic district in the area; and he felt that the proposed building would further weaken the "fabric" of the street.

Rai Y. Okamoto, Director of Planning, stated that he regarded the design for the proposed building reasonable even though not Victorian in nature and not of the same type of design as some of the other buildings on the street, many of which have been remodeled and repainted in a manner which is not truly Victorian in character. He stated that he would be reluctant to require changes in the plans, but he felt that the architect might be willing to propose some changes which would make the project more acceptable to the Union Street Association.

Commissioner Bierman suggested that the matter be taken under advisement for two weeks in order to give the applicant and representatives of the Union Street Association further time to resolve their differences.

Terry L. Lofrano, architect for the applicant, stated that he believed that his client would be willing to install a concrete sidewalk in front of the proposed building instead of a brick sidewalk. However, he felt that a "Victorian" paint job would be inappropriate for the proposed building. He further remarked that most of the Victorian buildings on Union Street have been aborted. He stated that he lives within 2½ blocks of the subject site; and,

as a result, he is quite familiar with the area and would not want to design any building which would be detrimental to the area. He stated that he would be willing to meet further with representatives of the Union Street Association to discuss the matter.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be taken under advisement until the meeting of December 16, 1976.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission that the staff has prepared a plan for Chinatown which will be presented at a night meeting in the community in January. He also indicated that a second night meeting will be scheduled in January for a public hearing on proposals to change height limits on Nob Hill.

The Director advised the Commission that community efforts are being made to persuade the State to honor its commitment to develop the Candlestick Shoreline Park.

The Director reported that the staff of the Department of City Planning has begun preparation of a plan for Potrero Hill, working with residents of the area.

The Director informed the Commission that the Board of Supervisors, in acting on proposed amendments to the Redevelopment Plan for the Embarcadero-Lower Market Approved Redevelopment Project E-1, Golden Gateway Center Portion, Phase III, had incorporated some of the recommendations which had been made by the staff of the Department of City Planning but had not incorporated the recommendations of the Commission.

The Director reported that the Department of City Planning will assume responsibility for implementation of the Bicentennial Awards Program.

The Director advised the Commission that Mark Winogrand assumed responsibility for direction of the Residential Zoning Study.

The Director announced that copies of the draft Environmental Impact Report for the proposed amendments to the Northern Waterfront Plan are now available.

The Director then distributed a memorandum to members of the Commission which read as follows:

"It has been brought to my attention by Bob Passmore, Assistant Zoning Administrator, that a file is increasing of requests by groups and individuals for information regarding building permit applications. In the past, these requests for notification have indeed occurred, but the number and geographic areas of concern have been manageable. Now, these areas have grown to such an extent that it is unlikely the staff can accomodate these requests without sacrificing capacity to perform equally important tasks. A recent example is a request from a group concerned about upper 24th Street.

"A second aspect of this issue is the position of several members of the Residential Builders' Association regarding our policy of notifying neighborhoods when permits are filed. They have in the past complained that our staff has taken the initiative to do so and not simply responded to a specific or standing request for notification. In addition they complain that there is no firm timelimit for the community concerns. Thus they allege that permits are delayed pending community responses which sometimes lead to requests for discretionary review, thus prolonging the process.

"The discretionary review (DR) issue is of concern to staff also. In many instances DR requests are unwarranted in the judgement of staff, but the requests must be brought to the City Planning Commission's attention which prolongs the permit process.

"A subsidiary issue with policy implications regards those applications approved by the Department prior to a DR request for which a permit has not yet been issued. This circumstance can occur when a project has been passed on to the Building Department from us and they have not yet acted. The question is whether to recall an application at this time.

"To a certain extent the concerns raised by those needing DR can never be fully addressed without an extremely detailed and restrictive set of rules (planning code) and guidelines (master plan) or an unreasonable expansion of the DR process. However, an expansion of our urban design guidelines to address specific neighborhoods concerns might improve the situation. For example, citizens in the Bernal Heights area have rallied around the Elsie Street Discretionary Review issue which was before you earlier and are requesting that we prepare more specific design guidelines which could help avoid such confrontations in the future. I think the residential builders would also prefer clear guidelines in lieu of a costly and time consuming discretionary process.

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"We would welcome your guidance in terms of policy and the privity you wish to give these issues. I would make one observation in passing that I have come to believe that the discretionary review process is being used unnecessarily and may lose its effectiveness as a tool for extraordinary circumstances."

The Director requested that a meeting of the Implementation Committee of the Commission be scheduled to discuss the issues raised in the memorandum.

The Director then read the following statement to the Commission:

"The organization known as Operation Upgrade: Citizens for a Cleaner Mission has sent to the members of the Commission a letter dated November 22 concerning a proposal for regulation of outlets for pornography. The letter refers to an ordinance in Detroit on this subject that has been upheld in court and which is now being used as a model in other cities.

"Members of the Board of Supervisors asked that the City Attorney review the Detroit ordinance and draft legislation for San Francisco if appropriate. The City Attorney's office has been working on such legislation and has conferred with this Department. A report will be made by the City Attorney to the Board, where the Planning, Housing and Development Committee is expected to hold a hearing on the proposal.

"It appears that when the proposal is prepared it will amend the Police Code to require additional licensing of outlets for pornography, and that there will also be an amendment to the City Planning Code to establish a minimum distance between an outlet for pornography and the nearest residentially zoned property. This amendment to the text of the City Planning Code would have to be heard by the City Planning Commission before action on it by the Board. The staff of the Department has not taken a position on such a Planning Code amendment either in principle or in terms of a specific provision. The staff has, however, attempted to assist the City Attorney's office in responding to the Board's request, and has indicated its desire that any proposal not impose discretion or administrative burdens upon this Department."

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Robert Passmore, Planner V (Zoning), reported that an application had been filed to reclassify properties on the north side of Union Street and south side of Lombard Street between Van Ness Avenue and Steiner Street from C-2 to R-3-C.

It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7621 be adopted to commend San Francisco Tomorrow for obtaining a grant to hold workshops on the Environmental Review process and to urge public participation in the workshops.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, December 9, 1976.

The City Planning Commission met pursuant to notice on Thursday, December 9, 1976, at 100 Larkin Street at 12:00 noon.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, Thomas J. Mellon, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by George A. Williams, Acting Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Wilbert Hardee, Planner III; Audrey Owen, Staff Assistant III; Ralph Gigliello, Planner II; James Hirsch, Planner II; Barbara Sahm, Environmental Impact Analyst; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:00 Noon - FIELD TRIP

Members of the Commission and staff went on a field trip with representatives of the San Francisco Council of District Merchants Association to selected neighborhood shopping districts.

2:15 P.M. - ROOM 282, CITY HALL

CURRENT MATTERS

George A. Williams, Acting Director of Planning, announced that a joint meeting of the City Planning Commission and the Recreation and Park Commission will be scheduled in January to consider proposals for acquisition of properties through the Recreation and Open Space Acquisitions Fund.

Mr. Williams reported that the Board of Permit Appeals, while meeting on the previous evening, had not considered any matters which had involved actions taken by the Commission.

Mr. Williams advised the Commission that the Finance Committee of the Board of Supervisors had recommended that \$82,000 which had been set aside for acquisition of the Straight Theatre be reallocated

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to the Haight Street Beautification Program. However, the Committee seemed to be supportive of the proposal to acquire the Straight Theatre as a community facility, probably through the use of Community Development Funds.

Mr. Williams reported that the staff of the Department of City Planning had presented the revised plan for the Northeastern Waterfront to the Port Commission on the previous afternoon.

Mr. Williams informed the Commission that Pets Unlimited has appealed the Commission's action revoking authorization for its kennel at Washington and Fillmore Streets to the Board of Supervisors.

Mr. Williams announced that James Jacquet, Director of the Mayor's office of Community Development, has resigned effective December 31.

The Commission requested that the Director respond to an editorial which had appeared in the Wednesday edition of the Chronicle concerning the Fitzhugh Building.

Commissioner Starbuck asked if the Commission would have an opportunity to make recommendations concerning the San Francisco Bay Area Transit Financing Study which was mandated by the State Legislature by AB3785. Mr. Williams replied that the next discussion of the matter will be at the legislative level.

PRESENTATION OF DRAFT OF PROPOSED AMENDMENTS TO CHAPTER 31, SAN FRANCISCO ADMINISTRATIVE CODE, TO REFLECT CHANGES IN STATE LAW REGARDING ENVIRONMENTAL REVIEW, AND TO PROVIDE PROCEDURES FOR EVALUATION OF PREVIOUSLY REVIEWED PROJECTS THAT HAVE BEEN MODIFIED.

Selina Bendix, Environmental Review Officer, reported on this matter as follows:

"Chapter 31 of the San Francisco Administrative Code, which is primarily procedural, must conform to the California Environmental Quality Act (CEQA) and to the Guidelines for Implementation of the Act adopted by the State Secretary for Resources.

"On March 17, 1976, the Secretary for Resources announced proposed amendments to the State Guidelines, and hearings on those amendments were subsequently held by the Secretary. The Guidelines amendments were not made final, due to the emergence

of proposals in the Legislature to amend CEQA. When the legislative amendments were eventually adopted in AB 2679, the Guidelines amendments were modified and made final on September 30, 1976. Further Guidelines amendments, reflecting the changes in CEQA not covered earlier, were proposed by the Secretary on November 12; hearings will be held on that proposal December 16 and 17, and further Guidelines amendments may subsequently be modified and be made final.

"Local agencies are required to comply with the amendments to CEQA and the adopted amendments to the State Guidelines by January 1, 1977. Under ideal circumstances, local ordinances such as Chapter 31 would be brought into conformity by enactment of amendments before that date. However, the State has provided too little time for the local legislative process to be completed before January. In any event, Chapter 31 has foreseen these circumstances and contains, in Section 31.01(b), the statement that 'any amendments to CEQA or the State Guidelines that may be inconsistent with this Chapter shall govern until such time as this Chapter may be amended to remove such inconsistency'.

"Therefore, the local amendment of Chapter 31 does not have to be adopted by January 1, although it would be prudent to complete that process as soon as possible. In the interim, the practices newly prescribed by State law will be followed.

"The Department of City Planning has reviewed the amendments to CEQA and the State Guidelines, and has consulted with the City Attorney. It appears that the great bulk of the State amendments reflect procedures already followed in San Francisco, many of which are contained in or implied by present provisions of Chapter 31. In some cases the State law has directly incorporated San Francisco procedures. For these reasons, many of the State amendments will require no changes in Chapter 31.

"In the draft ordinance, the amendments mandated by changes in State law vary in importance from potentially significant changes to minor changes in wording. Certain changes not mandated are proposed in order to expedite and clarify the environmental review process. Finally, one requirement of State law -- time limits for preparation of Negative Declarations and EIR's -- has not yet been included in the ordinance, pending adoption of a final amendment to the State Guidelines on this subject.

"The express purpose of the sponsors of the amendments to CEQA and the State Guidelines was to make the environmental review process more efficient and to simplify the steps where

possible. On balance, local agencies will do well to stay even, in terms of the complexity of their processes and the time and staffing needed.

"On the one hand, the amendments make explicit certain facts that should all along have been implicit in the process: for example, that environmental effects should be discussed in proportion to their importance, that public controversy is relevant to environmental review only when it is related to environmental issues, that unnecessary duplication should be avoided, and that widespread public notice should be given. If amendments such as these will help the public to understand the process, or help public agencies in carrying out the intent of the law, then the amendments will serve their purpose.

"The proposed amendments to Chapter 31 that are not mandated by State law may also help to simplify or explain the process. Having determinations of exclusion and categorical exemption made by the Department of City Planning for large public projects may make those determinations more available to the public and may avoid misunderstandings and litigation. Having definite procedures for evaluation of modified projects, and for amendment of EIR's previously certified, will at times allow simplified steps to be taken when another full review of the project would have been wasteful.

"On the other hand, the major mandated amendments are likely to require additional time and effort. Preparation of Negative Declarations on a preliminary basis prior to issuance adds a step, although a useful one. The policy relating to alternatives and mitigation measures, and the various statements and findings that flow from that policy, will undoubtedly require additional evaluation of some projects by the Department of City Planning and by other boards, commissions and departments and private parties.

"Finally, the time limits for completion of Negative Declarations and EIR's, in whatever form they may finally go into effect, will add another complex dimension to review of projects and will do little, if anything, to make the process work more effectively. With regard to this type of problem, it is likely that internal efficiency in public agencies, and cooperation between project sponsors and the reviewing agencies, can do more to improve the process than will legislated mandates."

Dr. Bendix also enumerated and explained the specific amendments being proposed.

Following the presentation, she responded to questions raised

by members of the Commission and indicated that a public hearing will be scheduled on the amendments in January.

R76.21 - REVOCABLE ENCROACHMENT PERMIT FOR SUB-SURFACE TUNNEL
IN 11TH STREET BETWEEN MARKET AND MISSION STREETS.
(BANK OF AMERICA)

Ralph Gigliello, Planner II, reported on this matter as follows:

"The Director of Public Works has referred for review as to conformity with the Master Plan a proposal to install a sub-surface tunnel in Eleventh Street between Market and Mission Streets. The tunnel would connect the existing Bank of America computer facility at One South Van Ness to the new Data Center presently under construction across Eleventh Street, at 1455 Market Street.

"The subject proposal has been reviewed for its environmental effects under EE76.344 and a negative declaration issued October 29, 1976, copy attached.

"The Urban Design Plan of the Comprehensive Plan contains Policies for Conservation of street space; Policy 9 lists criteria for the giving up of public rights in street areas. With the understanding that the proposed project can be completed without disruption of existing utilities and transit services under and on this section of Eleventh Street, the project would not violate any of the stated criteria. The granting of a Revocable Encroachment Permit would be the least permanent manner by which to permit the proposed project.

"It is recommended that the Director be authorized to report that the granting of a Revocable Encroachment Permit for a sub-surface tunnel in Eleventh Street between Market and Mission Streets, as indicated on the one-sheet preliminary plan for the Bank of America Data Center, entitled 'Tunnel,' and dated July 9, 1976 (File Number A-252 - SF), does not affect the Master Plan, provided that the tunnel can be installed without disrupting existing utilities and transit services under and on this section of Eleventh Street."

Commissioner Bierman asked if 11th Street would remain open for Municipal Railway vehicles during the construction project. Mr. Gigliello replied in the affirmative, indicating that portions of the street would remain open for Municipal Railway vehicles. However, a portion of the street may be closed to automobile traffic.

No one was present to speak in opposition to the proposed project.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Finn, and carried unanimously that the Director be authorized to report that the project does not affect the Master Plan provided that the tunnel can be installed without disrupting existing utilities and transit services under or on the subject section of 11th Street.

R76.31 - REVOCABLE ENCROACHMENT PERMIT FOR PARKING AT SITES C, D, AND E, PHASE II, HUNTER'S POINT REDEVELOPMENT PROJECT.

Ralph Gigliello, Planner II, reported on this matter as follows:

"The proposal is to provide Planning Code required parking for a 300-unit residential Planned Unit Development in central areas, rather than on individual lots as prescribed in the Code. One-hundred-thirty-seven parking spaces would be located on streets and within adjacent publicly-owned areas, including 61 spaces in excess of Code requirements. The Zoning Administrator presently has under consideration a variance for this purpose, and has granted a similar variance for an earlier phase of Hunter's Point Redevelopment. No community opposition has been heard in either case.

"The proposed project conforms to plans submitted for Planning commission Conditional Use authorization as a Planned Unit Development under CU69.39, July 10, 1969, by Resolution No. 6404. The proposal would promote housing objectives in the Master Plan.

"It is recommended that the Director be authorized to report that the granting of a Revocable Encroachment Permit for parking at the Hunter's Point Redevelopment Project, as indicated on the one-sheet preliminary plan for the New Hunter's Point Community, San Francisco Redevelopment Agency, entitled 'Phase II Sites C-D-E Parking Plan,' and dated May 27, June 11 and July 7, 1976, does not affect the Master Plan, provided that the Redevelopment Agency and its successors - in - interest shall design, landscape and maintain the indicated parking areas in a form compatible with the approved housing."

Commissioner Dearman asked why the subject property had been required to provide an off-street parking space for each dwelling unit whereas similar standards had not been applied to the Golden Gateway Redevelopment Project. Robert Passmore, Planner V (Zoning), replied that the two projects were subject to different zoning standards, and are in areas of the city having different car ownership and use patterns.

No one was present in the audience to speak in opposition to the proposed project.

After further discussion it was moved by Commissioner Mellon, seconded by Commissioner Dearman, and carried unanimously that the Director be authorized to report that the proposed project does not affect the Master Plan provided that the Redevelopment Agency and its successors in interest shall design, landscape, and maintain the indicated parking areas in a form compatible with the approved housing.

RS76.17 - PUBLIC HEARING ON TENTATIVE MAP FOR A 74-UNIT,
GROUND FLOOR COMMERCIAL, CONDOMINIUM SUBDIVISION
AT THE NORTHEAST CORNER OF FRANKLIN AND SUTTER
STREETS.

Ralph Gigliello, Planner II, described the subject property which is a rectangular parcel with frontages of 120 feet on Franklin Street and 160 feet on Sutter Street for a total area of 19,200 square feet. The property is presently occupied by two wood-frame structures containing ground floor commercial uses and a second story transient hotel of 44 units. The applicant proposed to develop the site with a 12-story, 74 unit condominium residential building with ground floor commercial space fronting upon Franklin and Sutter Streets. Two and three-bedroom units would be offered within a sale range of \$72,500 to \$111,400. Mr. Gigliello stated that the neighborhood of the proposed project consists of a mix of residential, commercial and automobile service uses. Local streets carry heavy volumes of traffic at most times of day and several transit lines pass within two blocks of the site. He indicated that the Bay Area Air Pollution Control District had reported that the local traffic volumes can result in high concentrations of air pollutants and that violations of air quality standards for carbon monoxide had been registered at the District's monitor near the site. The district had further reported that the proposed residential units would constitute a sensitive receptor and had recommended that potentially sensitive residents (i.e. those who may have pulmonary or respiratory difficulties) "be made aware of possible high concentrations of automobile-related pollutants which could occur in the project environment."

Mr. Gigliello then recommended that the proposed condominium division be approved subject to the three following conditions:

"1. Construction shall conform generally to plans titled 'Franklin Tower', dated October, 1976, on file as Exhibit 'A'.

"2. Final landscaping plans, to include the rooftop gardens over the garage and the provision of street trees, shall

be developed in consultation with and subject to approval by staff of the Department of City Planning.

"3. The developer shall include in the Covenants, Conditions and Restrictions of the Title Report information concerning the possible high concentrations of automobile-related pollutants which could occur in the project environment and which could be of concern to potentially sensitive residents."

Commissioner Starbuck inquired about the level of danger which exists at the site as a result of automobile-related pollutants and asked if the applicant had been made aware that the staff would recommend that a condition be included in the Commission's resolution requiring dissemination of information concerning the problem. Mr. Gigliello replied that the concentration of pollutants is not so high as to be generally dangerous to ordinary individuals; however they might sometimes create a problem for individuals with pulmonary or respiratory difficulties. He stated that the applicant had been made aware of the nature of the staff's recommendation.

Commissioner Mellon asked if the staff had previously recommended the adoption of a condition similar to Condition No. 3 as it appeared in the draft resolution. Mr. Gigliello replied in the negative and remarked that there has not been much development in the subject neighborhood in the recent past.

Commissioner Bierman asked if the pollutant would be more concentrated at higher or at lower levels. Mr. Gigliello replied that there would be a higher concentration of pollutants nearer the street. He indicated that the residential tower would be set back from the street; and landscaping, which would be installed on the site, would help to filter the pollutants to some extent.

Anthony Chan, the applicant, stated that the conditions which had been recommended by the staff would be acceptable to him.

It was then moved by Commissioner Rosenblatt and seconded by Commissioner Bierman that the proposed condominium subdivision be approved subject to the conditions which had been recommended by Mr. Gigliello.

Commissioner Mellon stated that he continued to be concerned about inclusion of Condition No. 3 in the draft resolution, particularly in view of the fact that other areas of San Francisco may have an equal or higher level of pollutants.

Commissioner Rosenblatt remarked that the condition would not have been included if the staff had not received a letter from the

Bay Area Pollution Control District; and, since the applicant had no objection to the condition, he saw no reason not to include it in the resolution.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7622 and to approve the proposed condominium subdivision as in conformity with the Master Plan subject to the conditions which had been recommended by the staff.

At 3:25 President Lau announced a 20-minute recess. The Commission reconvened at 3:45 p.m. and proceeded with hearing of the remainder of the agenda.

INFORMATIONAL PRESENTATION BY THE U.S. POSTAL SERVICE OF PLANS FOR POSTAL USE OF THE FORMER HARKNESS HOSPITAL SITE.

Robert Passmore, Planner V (Zoning), advised the Commission that the U.S. Postal Service proposed to use the Harkness Hospital site for one of six new facilities being proposed in San Francisco. The project would involve demolition of the Harkness Hospital buildings and construction of a new building with a height of 25 feet and approximately 40,000 square feet of floor area. 230 parking spaces would also be provided on the site. He indicated that representatives of the Postal Service had been in contact with the staff of the Department of City Planning over the past four years; and, during that time, various sites had been reviewed for the proposed facility. At the outset, the staff of the Department of City Planning had expressed concern about the fact that location of the proposed facility on the Harkness Hospital site would conflict with Master Plan policies particularly with regard to policies included in the Residence Element of the Master Plan calling for conversion of under-utilized non-residential land to residential use and for preservation and expansion of the supply of low-and moderate-income housing. In addition, the staff had emphasized its concern over the potential impacts of the project in terms of traffic generated in the surrounding residential area and the placement of a large parking lot adjacent to such a significant open space as the Golden Gate Panhandle. The staff had also raised questions concerning the relationship of the Postal Service's total program to the various neighborhoods of the City. The staff had provided the Postal Service with the names of neighborhood organizations in the immediate vicinity of the Harkness Hospital site; and the Postal Service has subsequently held meetings with those organizations. The staff had neglected to provide the Postal Service with contacts to the Hayes-Valley Association and WAPAC; and those organizations had since indicated that they were concerned about the impact which the proposed project might have on their communities.

Mr. Passmore stated that the Postal Service had prepared an Environmental Impact Assessment of the proposed project; and that document would be used to determine whether an Environmental Impact

Statement will be required under the provisions of the National Environmental Protection Act. If an Environmental Impact Statement is prepared, it should contain a discussion of alternate sites for the project. However, the Environment 1 Impact Statement would not come before the Commission for certification and no Environmental Impact Report would be required. The property is presently zoned R-4; and, by action taken on May 20, 1976, the Commission had announced its intention to consider institutional zoning for the site. Under institutional zoning, certain institutions could be authorized as conditional uses; however a use such as that being proposed by the Postal Service had not been contemplated in the concept of the institutional district. In any case, the Postal Service had claimed that it is exempt from local zoning. In conclusion, Mr. Passmore stated that the role of the City Planning Commission would basically be to advise the Postal Service or other appropriate governmental agencies of any concerns which it might have regarding the proposed project.

James Schultz, Program Manager for Property Acquisition and Management for the U.S. Postal Service, stated that the Postal Service had taken an option to purchase the property from the Southern Pacific Memorial Hospital, Inc., an employee retirement association which is in dire financial straits. The initial option was for a six-month period which expired in November; however, three additional one-month options were available. The property would cost \$650,000; and demolition of the existing building would cost between \$350,000 and \$400,000. The new building, which would actually have only 30,000 square feet of floor area, would cost \$1,800,000 to construct. Mr. Schultz stated that the Postal Service had met with several interested neighborhood organizations, three of which had expressed some support for the proposed project. The Postal Service had also distributed leaflets to 1500 residents of the immediate vicinity and had called a meeting which was attended by 25 of those individuals to discuss the project. The reaction of those who had been in attendance was mixed. Mr. Schultz then presented a photographic slide show to describe the proposed project and its relationship to local operations of the Postal Service. During the course of the presentation, he emphasized that Harkness Hospital had had more deliveries and had hired more employees per shift than the proposed facility would have. He also indicated that the cost of bringing the existing building up to current Code and earthquake standards had been estimated at approximately \$2,000,000; and the cost of such rehabilitation had been a "stumbling block" for any public or residential use which might have been contemplated for the site. He also pointed out that there are other commercial uses in the area including a garage, a service station, and the State Department of Motor Vehicles; and, as a result, the neighborhood is not completely residential in character. Under the circumstances, he did not feel that the proposed facility would have a detrimental effect on the character of the area. Nevertheless, the Postal Service had considered other alternate sites including a site in the

Western Addition, combined use of the Municipal Railway car barn at Geary and Masonic Avenues, and several developed properties which seemed to be under-utilized; but each of the alternate sites which had been considered involved certain problems. Although he acknowledged that the Postal Service had not been encouraged by the Department of City Planning, it had continued to pursue the Harkness Hospital site because that site offered certain advantages including the fact that no housing would have to be removed for the proposed project. He advised the Commission that the original proposal for the project had included roof-top parking; but because of objections which had been expressed by neighborhood representatives, the roof-top parking had been deleted. He also indicated that economic studies had been undertaken to determine whether it would be feasible to combine the proposed facility with private or commercial or residential development on the site; but they had not been able to find anyone who would co-operate in such a project. The Environmental Assessment which had been prepared for the proposed project stated that one of the long-term permanent impacts of the project would be to increase the traffic on nearby streets; but he indicated that the Environmental Assessment document contained statistical errors regarding the number of automobile trips which would be generated by the proposed facility. He assured the Commission that the proposed facility would be attractive; and it was hoped that some historical influence could be achieved in the design of the building. In conclusion, he stated that the Postal Service would be willing to work with an ad hoc committee of neighborhood representatives as working drawings for the project are prepared.

Commissioner Starbuck asked if the Postal Service would continue to operate facilities presently located in the area which will be served by the new facility. Mr. Schultz replied in the affirmative, but indicated that the lack of off-street parking spaces at the other facilities may make the new facility more attractive for some customers. In reply to further questions raised by Commissioner Starbuck, Mr. Schultz estimated that the Post Office boxes in the new facility would generate approximately 440 trips a day and that other customer services in the facility would generate approximately 280 vehicle trips a day.

Commissioner Bierman asked how many customer trips would be generated during the evening rush hour. Mr. Schultz estimated that 85 vehicle trips would be generated by the Post Office boxes and that 30 vehicle trips would be generated by other customer services during the evening rush hour.

In reply to questions raised by Commissioner Dearman regarding the number of on-site parking spaces which were being proposed, Mr. Schultz replied that the facility would have to meet on-site parking spaces mandated from Washington; however, he believed that many people visiting the subject site would use transit, bicycles, or would walk. Commissioner Bierman observed that the Environmental Assessment which had been prepared for the Postal Service did not

identify the Panhandle as a park; and, while some analysis was made of the effect of pollution and noise generated by the facility on residents of the area, the document offered no assessment whatsoever of such factors on the park.

Mr. Schultz replied that 27,000 vehicles a day use Fell Street; and, as a result, it would be difficult to measure the impact which a few additional vehicles would have on the adjacent park. If the Environmental Impact Statement is prepared, the issues raised by Commissioner Bierman would probably be covered; however, he felt that an Environmental Impact Statement would probably not be prepared until such time as the architect for the project has concluded his preliminary studies and a decision is reached on the basis of actual plans that an Environmental Impact Statement is required.

Commissioner Bierman then noted that the Environmental Assessment had given the impression that the proposed facility would lessen the crime rate in the subject neighborhood. However, with the exception of exterior lighting which might be installed, she questioned whether that was a legitimate claim. After Mr. Schultz had replied that the site would be lighted at night and that security guards would be on duty, Commissioner Bierman remarked that the security guards would probably be responsible for checking on other sites owned by the Postal Service, also; and she stated that it appeared to her that the Postal Service might be using the argument that the new facility would deter crime as a "selling point" without justification.

Commissioner Dearman asked if the Postal Service is a part of the Federal Government. Mr. Schultz replied in the affirmative, indicating that the Postal Service is owned by the Executive Branch of Government; and, as a result, it is exempt from local zoning. However, it was the intention of the Postal Service to proceed with construction of the new facility on the Harkness Hospital site only if the Commission, the Mayor, and residents of the neighborhood were not opposed to the project. He stated that he had not encountered substantial objections to the proposal in the community; and he noted that the existing building, which has been vacant, has been vandalized and has been used for illegal activities.

Gary Garchik, owner of property on Baker Street between Page and Oak Streets, stated that he was very much opposed to the proposed project. He indicated that most of the buildings in the neighborhood are wood-frame residential buildings which are occupied by families; and certain blocks in the area have a potential of becoming very beautiful. He believed that the Harkness Hospital site might be appropriate for some kind of institutional use; but he felt that the use proposed by the Postal Service would be inappropriate. He believed that the planning which was being done by the Postal Service

was suburban-oriented; and, while he recognized why the subject site might be attractive to the Postal Service from a geographical point of view, he expected that functions and activities on the site would increase in the future if the facility were to be constructed. He felt that the location of the facility directly across the street from the Panhandle would be completely inappropriate; and he agreed with Commissioner Bierman that the Environmental Assessment was inadequate in that it failed to evaluate the impact of the proposed facility on the Panhandle. While representatives of the Postal Service had indicated that their carriers would be expected to follow prescribed routes to and from the facility, he felt that the most logical route between the facility and the Richmond District would be through Golden Gate Park; and, in any case, he noted that the Postal Service would not be able to police routes which are chosen by its employees on their way to and from work. While the Postal Service had stated that customer services would be de-emphasized in the facility, he felt that the facility would ultimately be attractive to individuals who operate mail-order businesses. In conclusion, he stated that his immediate neighbors were opposed to the facility, also.

Lou Porter, a resident of the neighborhood, stated that he had asked the staff of the Department of City Planning if it could recommend alternate uses for the subject site; and no suggestions had been offered. He felt that the site should not be allowed to remain vacant indefinitely; and, without any alternate recommendations for use of the site, he was reluctant to oppose the project being proposed by the Postal Service. However, a number of changes had been made in the Postal Service's proposal; and, as a result, it was difficult to ascertain precisely what type of development would occur if the project were to go forward. He noted that the Department of Motor Vehicles and the Bank of America have parking lots in the area which are not well-landscaped; and, as a result, he was not opposed to the parking lot which was being proposed by the Postal Service. However, he felt that it would be helpful to everyone concerned if more detailed plans of the Postal Service's proposal could be made available.

Calvin Welch, 519 Ashbury Street, agreed with Mr. Porter that concrete plans of the Postal Service's proposed project should be made available. Furthermore, he believed that the policy options available to the Commission should be clarified. He also suggested that property adjacent to the Safeway store at Playland at the Beach should have been considered by the Postal Service as an alternative location for the proposed facility.

Mr. Schultz stated that the availability of the Playland at the Beach site had been investigated; however, the owner of the property

had not been interested in discussing the matter.

Mr. Welch then asked if the Postal Service had investigated the possibility of joint use of the State Department of Motor Vehicles' property on Baker Street. Mr. Schultz replied in the affirmative but indicated that the Department of Motor Vehicles was not interested in sharing its property.

Mr. Welch remarked that the proposed facility would appear to be a very inappropriate use for the subject property insofar as it would violate most of the key elements of the Master Plan. Furthermore, the project would be located in a neighborhood which had strongly expressed its opposition to institutional expansion. In addition, the proposed use would be in violation of the present zoning of the property. Under the circumstances, he urged the Commission to adopt a resolution declaring use of the subject site for the proposed facility would be completely inappropriate.

Gregory Elberg, 1445 Hayes Street, stated that he has helped people to purchase and restore Victorian buildings in the area; and he felt that the neighborhood is being upgraded. However, since adequate plans were not available for the proposed project, he felt that it would be premature to make a determination that it would be an appropriate use of the subject site. He felt that the project could be attractive; and, in addition, it would offer an opportunity to ameliorate the parking problem in the area. The vacant Harkness Hospital has been vandalized and has been a problem for the neighborhood; and, in view of the fact that no other concrete proposals had arisen for use of the site, he suggested that serious consideration should be given to the Postal Service's proposal.

Commissioner Dearman asked how the proposed facility would help to ameliorate the parking problems in the area. Mr. Elberg replied that the spaces which would be used by employees of the facility during the day might be available to residents of the neighborhood at night.

Mrs. Perrin, a member of the Citizens Action League, stated that the members of her organization had taken the position that they would not be opposed to the proposed facility providing that it is attractive. However, as an individual, she was strongly opposed to the project. She remarked that there are already commercial facilities in the area; and she felt that the presence of the proposed industrial use could drastically alter the character of the neighborhood. She also believed that a one-story building would be inappropriate in a setting of Victorian structures, particularly if the building were to have parking on its roof. She understood that the facility would be surrounded by a security fence; and she

felt that the appearance of the facility would be quite industrial in nature. She asked if the vacant property at Divsadero and Oak Streets had been considered by the Postal Service. Mr. Schultz replied that a full city block would be required for the new facility.

Eileen Adams, 429 Central Street, remarked that letter carriers would be returning to the facility at about the same time that schools are dismissed in the afternoon; and she felt that the additional traffic would endanger children returning to their homes from school. The commercial uses which presently exist in the area are small in scale and provide a neighborhood service; and she did not feel that any valid comparison could be made between those facilities and the facility which was being proposed by the Postal Service. She urged that the Postal Service locate another site for the facility, preferably one which is presently vacant.

Kenneth Sproul, representing the Southern Pacific Memorial Hospital, Inc., owner of the subject property, reported that the property had been on the market for more than two years. He indicated that the hospital building is in violation of earthquake and fire codes; and those violations would have to be corrected if the building were to be used for any public purpose. He stated that negotiations aimed at converting the building for housing use, similar to the Notre Dame Hospital site, had been carried out over a period of 8 months; but the project had failed to materialize because of structural and wiring problems. Furthermore, in order to make a housing project feasible on the site, most of the Federal funds available to the City for such projects would have to be used. He advised the Commission that Harkness Hospital had not provided any off-street parking spaces for anyone except doctors on its staff; and, as a result, the hospital had had a definite impact on traffic and parking congestion in the area. The vacant hospital buildings are being vandalized; and he felt that they should be torn down as soon as possible regardless of whatever use may be made of the site in the future. However, his clients have no money to demolish or to remodel the building. Alternate use of the site as an artists' co-operative had been considered; but since such a use would create a parking problem on a 24-hour basis. Most of the offers which had been made for the property were unrealistic in money terms; and the City had declined to acquire the property. Since the Postal Service project would not result in the removal of any dwelling units, no displacement of people would occur. Some individuals argued against the Postal Service project on the basis that it would remove the property from the tax rolls; however, since no taxes are being paid on the property at the present time, the City would not experience any tax loss if the property were to be acquired by the Postal Service.

Commissioner Dearman asked if back taxes on the property would be paid if the property were to be sold. Mr. Sproul replied that there was some possibility that the City would collect the taxes when the property is sold.

Commissioner Bierman stated that she was primarily concerned about the traffic impact of the proposed project. She indicated that she had been an opponent of the Panhandle Freeway when it was proposed in the past; and she feared that a facility of the type being proposed would create a traffic problem which would revive the specter of that freeway. She emphasized that the subject property is directly across the street from the Panhandle; and she felt that the most appropriate use of the property would be for some type of housing. She suggested that the Postal Service should seek an alternate site for its facility and that local efforts should be made to determine how the property can be used for housing.

Commissioner Starbuck stated that it would be helpful if the staff of the Department of City Planning would prepare an analysis of areas in which the proposed Postal Service facility would conform or conflict with policies of the Master Plan. Furthermore, he suggested that it would be desirable if the Postal Service would prepare more detailed plans of its proposal and hold additional meetings with neighborhood representatives to discuss those plans.

Commissioner Rosenblatt asked if the staff could offer recommendations for alternate sites for the proposed facility.

George A. Williams, Acting Director of Planning, felt that further efforts should be made to explore the feasibility of joint use of the State Department of Motor Vehicles' facility on Baker Street. He also observed that the Postal Service seemed to be taking a suburban approach to the problem; and he suggested that an alternate site might be easier to locate if the Postal Service were to think in terms of a two-story building with enclosed parking so that the project would not require a full city block of valuable land.

Mr. Schultz stated that the Postal Service had investigated the feasibility of undergrounding the parking on the subject property and constructing a building of more than one story in height which would be designed for multiple use. However, the underground parking structure would have cost \$960,000; and some individuals would have objected to such extensive use of the site. Furthermore, a one-story structure on the site would enable some residents of the area to see the trees in the Panhandle. He noted that the Postal Service's option on the property will be expiring in January; and he felt it was important that the Postal Service should be in a position to make a decision regarding the project by that time.

Commissioner Bierman remarked that considerable public opposition had arisen when the Police Department had proposed to centralize its facilities; and she felt that centralization of the facilities of the Postal Service might arouse the same type of concern. Under the circumstances, she felt that it would be helpful if the Postal Service were able to explain to the Commission why it considers its present method of operation to be inadequate.

Jeff Wilkins, Construction Service Director of the Postal Service for San Francisco, stated that the Postal Service had already consolidated carrier services from six neighborhood Post Offices into a new building on Napoleon Street; but the original Post Offices have remained open to serve the public. He stated that it presently was not the plan of the Postal Service to close any of its existing facilities.

Mr. Williams recommended that this matter be recalendared for further discussion during the Commission's Regular Meeting on January 13. While he recognized that the Postal Service's option on the property is scheduled to lapse in January, he remarked that it should not be difficult for the Postal Service to obtain an extension on its offer if no one else is interested in acquiring the property.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that this matter be scheduled for further discussion before the Commission during its meeting on January 13, 1977.

At 5:35 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 5:45 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Mellon was absent from the meeting room for the remainder of the meeting.

PUBLIC HEARING ON APPEAL OF A NEGATIVE DECLARATION FOR THE AIRPORT MAINTENANCE YARD.

Ralph Gigliello, Planner II, described the proposed project and explained the reasons for the staff's finding that the project could not have a significant effect on the environment, which finding had resulted in the issuance of a Negative Declaration for the project on November 12, 1976. He stated that the Negative Declaration had been appealed by Kathleen S. Van Velsor, a representative of the Airport Reduction Force, in a letter dated November 22, 1976. The appeal stated the belief that the proposed project was not independent of other, future projects related to air cargo development at the Airport and that an Environmental Impact Report should be prepared at this time for overall air cargo development plans.

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The Commission then received and responded to comments made by members of the audience including Dale Fern, Assistant Deputy Director of Planning for the Airports Commission; Kay Ransom, Assistant City Planner with the City of San Bruno's Department of City Planning; Kathleen S. Van Velsor, representing the Airport Impact Reduction Force; and Susan Smith, representing San Francisco Tomorrow.

At the conclusion of the public hearing, it was moved by Commissioner Finn, seconded by Commissioner Rosenblatt, and carried unanimously that the matter be taken under advisement until the meeting of January 13, 1977, and that the staff be requested to write a letter to the Airports Commission inquiring if that Commission would be willing to prepare Master Plans and Environmental Impact Reports for private facilities and air cargo facilities which may be constructed on airport property in the future.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, December 16, 1976.

The City Planning Commission met pursuant to notice on Thursday, December 16, 1976, at 12:30 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Carrol Williams, City Planning Coordinator; Dick Swanson, Staff Assistant IV; Robert Meyers, City Planning Coordinator; Alan Billingsley, Planner II; Robert Feldman, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:30 P.M. - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin street at 12:30 p.m. to take a field trip to properties which will be considered during January.

2:15 P.M. - ROOM 282, CITY HALL

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, announced the scheduling of a joint meeting to be held with the Recreation and Park Commission on Friday, January 7, for consideration of proposals for acquisition of properties through the Recreation and Open Space Acquisition and Maintenance Fund. The meeting will be held at 4:00 p.m. in Room 282, City Hall.

The Director reported that the Commission had been named as a respondent in a Superior Court suit filed by Francis C. Yanni and others petitioning for issuance of a disapproved Building Permit Application for construction of a nine-unit apartment building at Castro and 28th Streets.

The Director indicated that the Metropolitan Transportation Commission had endorsed its staff's recommendations regarding transit financing without change.

The Director advised the Commission that the Board of Permit Appeals, which had held a meeting on Wednesday evening, had not considered any matters which involved Commission action.

The Director announced that an evening meeting will be held on Wednesday, February 9, at 7:30 p.m. to consider an application for lowering height limits on Nob Hill.

The Director reported that a special evening meeting will be held on Wednesday, January 19, at 7:30 p.m. to consider a Planned Unit Development Application for the proposed Stockton/Sacramento Streets Redevelopment Project and to certify the Environmental Impact Report for the revised Northeastern Waterfront Plan.

The Director requested that a meeting of the Implementation Committee of the Commission be scheduled on Thursday, January 6, 1977, at 11:00 a.m.

The Director reported that Edward I. Murphy, Assistant Director of Planning, has been in St. Joseph's Hospital for tests. He also advised the Commission that Sonia Reyes, Senior Clerk Stenographer, has accepted a promotion to a Principal Clerk position in the Social Services Department. The Commission requested that a letter be sent to Ms. Reyes expressing its appreciation for the contributions which she has made to the Department and wishing her well in her new position.

The Director advised the Commission that the staff of the Department of City Planning may be prepared to make a recommendation concerning the designation of the Tenderloin District as a Rehabilitation Assistance Program (RAP) area in March, 1977. Recommendations concerning the Hayes Valley area may be ready in April.

The Director reported that he is preparing a reply to a recent Chronicle editorial concerning the Fitzhugh Building.

R76.34 - SALE OF EASEMENT RIGHTS ON CLIPPER STREET, LOT 19 in ASSESSOR'S BLOCK 6542.

Alec Bash, City Planning Coordinator, stated that the staff had received oral requests from residents of the neighborhood to postpone consideration of this matter. The applicant had indicated that a postponement would be acceptable; and he had stated that he would be willing to meet with residents of the neighborhood to discuss the matter. Therefore, it was recommended that this matter be postponed until the Commission's Regular Meeting on January 13, 1977.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this matter be postponed until the Commission's Regular Meeting on January 13, 1977.

PRESENTATION OF AND PUBLIC HEARING ON A PROPOSED PLAN FOR NEIGHBORHOOD CENTER FACILITIES, A PART OF THE COMMUNITY FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN OF SAN FRANCISCO.

Lucian Blazej, Planner IV, presented and summarized the plan. He indicated that any comments received from members of the public or the Commission during the course of the public hearing would be considered by the staff; and a revised plan would be submitted to the Commission at a later date for adoption.

Carrol Williams, City Planning Coordinator, reported on the current status of implementation of the Neighborhood Centers as follows:

"Approximately 1.7 million dollars is set aside to specifically develop Social Service Neighborhood Centers in 'high need' neighborhoods.

"In May, of this year, we requested the Board of Supervisors to release these appropriated Community Development funds so we could begin the development of these 'Centers'.

"Instead, the Board of Supervisors tabled the 'Program' until we could demonstrate that the development of Neighborhood Centers 'would not impose a financial burden on the City'.

"In June we invited five 'high need' neighborhoods (Bernal Heights, Chinatown, Ingleside, North of Market, South Market) to assist us (Mayor's Office of Community Development and the Department of City Planning) in developing 'feasible' multi-purpose centers.

"Based on constructive and strengthening concerns, guidelines were established by the Department of City Planning and Office of Community Development. In working within the boundaries of the 'guidelines' the five Neighborhood Task Forces have...(1) identified services needed in their neighborhoods; (2) identified providers of services that are interested and potentially able to meet their share of operation, maintenance and administration costs; (3) identified potential center sites; and (4) developed alternative administrative structures.

"Neighborhood Task Forces have now reached the stage of finalizing exact space needs of service providers; deciding on an available site that fits their needs, and selecting an administrative structure within their needs and financial ability.

"Many, many agencies, organizations, foundations, city departments have been contacted, involved and cooperative in these developments efforts (i.e. SPUR; Community Design Center; Park and Recreation; Model Cities; Citizens Committee on Community Development; The Trust for Public Land; S.F. Health Department; Commission on Aging; Department of Social Services; Community College District; United Way).

"The neighborhoods and service providers are actively dedicated and committed to the Neighborhood Centers Program. They have invested many hundreds of person hours to development efforts, and they do anticipate strong support from those originally concerned.

"Each center planned will house from three to nine Service Providers reflecting the determined needs, center size and design, administrative structure adopted and service mix. Because each neighborhood is unique and different they will be ready for Board of Supervisors submission at different times. But, we (DCO and DCP) do anticipate going to the Board with the first Neighborhood Center Program package by late January, 1977.

"I personally find it refreshing to see and experience the unselfishness and unity in the communities and between communities."

Commissioner Bierman asked who would be in charge of the Neighborhood Centers. Mr. Blazej replied that alternative modes of assigning supervisory responsibilities were suggested in Objective 2, Policy 2, of the plan.

T. J. Smith, Chairperson of the Southwestern Neighborhood Improvement Group, stated that he was confident that organized groups in the various neighborhoods of the City could assume responsibility for administration of the Centers, if necessary. He advised the Commission that he represented a high-need area with a high crime rate; and he felt that the Neighborhood Centers Program would provide a solution for some of the problems which his neighborhood faces.

Michael McGill, Associate Director of the San Francisco Planning and Urban Renewal Association (SPUR), stated that his organization had submitted a report to the Board of Supervisors on the issue of Neighborhood Centers; and he indicated that the plan which had been prepared by the staff of the Department of City Planning was responsive to many of the issues which had been raised in that report. He felt that two policies in the plan, in particular, were pertinent to the issues which had been raised by his organization. Those policies read as follows: a) "Assure that Neighborhood Centers compliment and do not duplicate existing public and private facilities: and b) "Provide Neighborhood Centers with a network of links to other neighborhood and city-wide services". However, while the plan recognized the need to choose sites for Neighborhood Centers which would minimize the impact of neighborhood activities on the Centers, the plan did not acknowledge the need to analyze the impact which the Centers might have on the area in which they are located. With regard to the issue of administration of the Centers, he felt that there would be merit in varying the organizational structure to meet the needs of individual neighborhoods of the City; however, he believed that some City agency should have overall responsibility for administration of the Neighborhood Centers. While the staff report did provide an inventory of existing public and private service agencies in the various neighborhoods of the City, no analysis was offered of the condition of the structures in which those activities are housed.

He suggested that it would be helpful to know which of the facilities need to be rehabilitated or replaced and when such work should be done. With that information, such work could be coordinated with the construction of new Neighborhood Centers, thus resulting in a saving of money. In conclusion, Mr. McGill suggested that some analysis should be made of the possibility of reorganizing City services on a coterminous basis.

Josephine Coleman, representing organizations in the Tenderloin District, advised the Commission that there is a real need for a Neighborhood Center in the Tenderloin District. She felt that such a Center would improve communication between citizens and City agencies. She indicated that the Tenderloin District has developed a plan which she felt would provide adequate supervision for the new Neighborhood Center; however, in order for the plan to be workable, proper authority would have to be given to the lead agency. Although there has recently been a "media-blitz" about crime in the City, she remarked that the City has not really changed; and, instead of instilling fear in citizens, she felt that an effort should be made to inspire their confidence, concentrating on neighborhood involvement rather than crime suppression. She believed that Neighborhood Centers would encourage neighborhood involvement; and, for that reason, she urged the Commission to endorse the staff proposals.

No one else was present in the audience to be heard on this matter.

Commissioner Starbuck temporarily absented himself from the meeting room.

Commissioner Bierman congratulated the staff on the Neighborhood Center Plan and remarked that it represented one of the most exciting products which had been presented to the Commission.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that this matter be taken under advisement until the meeting of January 20, 1977.

CU76.42 - 364-366 EUREKA STREET, WEST SIDE, 204 FEET NORTH OF 21st STREET.
REQUEST FOR AUTHORIZATION FOR AN INFANT DAY CARE PROGRAM FOR
10 INFANTS; IN AN R-2 AND PROPOSED RH-2 DISTRICT. (EE76.391)
(Continued from meeting of December 2, 1976.)

Robert Passmore, Planner V (Zoning), remarked that this matter had been continued from the meeting of December 2, 1976, so that the applicants would have an opportunity to explore means of resolving objections which had been raised by a neighboring property owner. He stated that Robert Feldman of the staff of the Department of City Planning had attended a meeting with the applicants and the next-door neighbor on December 14; and Mr. Feldman had summarized the results of that meeting as follows:

"Parties discussed their positions as presented at Planning Commission meeting December 2. Ladd explained changes made in operation of School since December 2, including:

- "1. Scheduling of indoor activity while neighbor is home in afternoon.
- "2. Meetings with directors, staff and parents to explain need for quiet operation and to generate ideas for noise reduction.
- "3. The planning of a new front door on the north side of the ground level.

"He said that staff was now more aware of the noise problem than before. Mr. Sullivan said that if the use were as quiet all the time as it had been this past week, he would not have any problem, although there had been a period during the day when the noise had bothered him and he had gone for a ride in the car to get away from it.

"Feldman discussed the possible conditions that could be imposed by the Commission if approval were granted, including:

- "1. Limitation of occupancy to 8 children (application requests approval for 10).
- "2. Limit on outdoor time for children during afternoons.
- "3. One year trial period.
- "4. The moving of the front access from the south side of the property near Sullivan to the north side.

"He said that the Commission could require a whole new application after the expiration of a certain period or it could require the Department to review the case and report to it regarding the situation after a certain period. Both parties appeared to agree that such conditions were acceptable; Mr. Sullivan stated that he would prefer that the school never have been there but these conditions would be acceptable and Mr. Ladd and Ms. Murray said they would not want to have to reapply after a year especially if the doorway were moved at an expense of 600 to 800 dollars."

Mr. Passmore stated that the staff was prepared to recommend that the application be approved subject to six specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. The conditions read as follows:

- "1. That this authorization is for a maximum of 8 children aged 6 months to 3 years in a day care program operated between 7:45 A.M. and 6:00 P.M. Monday through Friday.

- "2. That no non-residential alterations shall be made on the property.
- "3. That no signs shall be installed or displayed on the property.
- "4. That this authorization shall be for a period of one year from the date of this resolution.
- "5. That measures to reduce noise shall be taken immediately, including the adoption of a schedule which requires that the children be kept indoors each afternoon after 4 P.M., and the closing of windows and doors on the south side of the building."

Commissioner Dearman expressed her personal opposition to the proposal to reduce the occupancy of the facility from ten infants to eight infants.

At this point in the proceedings, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table.

John Ladd, one of the applicants, stated that the school would try to schedule field trips on Mondays and Tuesdays when the neighboring property owner is at home; and, in addition, they would ask their volunteer staff to be present on those days to help to control the children. He emphasized that he and his associates were trying to operate a quality program; and he remarked that a high-quality staff would provide the best assurance of noise abatement. He stated that he was proposing to relocate the door which is used by the children for access to the play area; and he felt that that project, in conjunction with existing barriers on the site, would significantly lessen the amount of noise which would be experienced by the neighboring property owner. However, it would cost a considerable amount of money to relocate the door; and he would be reluctant to make such an expenditure if authorization for the facility were to be granted for only one year. He advised the Commission that he would not object to being limited to an enrollment of eight children during the next calendar year; and, in fact, his preference would be to continue to operate the school with only eight children. Nevertheless, it might be necessary to increase the enrollment of the school to ten children; and he felt that it would be important for the school to have that option when the present children reach the age of two years.

Commissioner Bierman asked if it would be possible for the Commission to delete the condition specifying that the authorization would be for one year only and to request the staff to continue to monitor the use. Mr. Passmore replied in the affirmative.

Commissioner Bierman stated that she would prefer to have the matter brought back before the Commission only if the conditions to be adopted by the Commission are violated.

Commissioner Dearman felt that it would be impossible for the school to keep the children indoors after 4:00 p.m. as prescribed by Condition No. 5 of the draft resolution. Mr. Ladd replied that there are less children on the property after 4:00 p.m.; and those that remain are tired and not greatly interested in outdoor play. The staff of the school had indicated that they would be able to live with Condition No. 5 of the draft resolution.

Commissioner Dearman then observed that it would probably be more difficult to keep the children indoors after 4:00 as they grow older. Mr. Ladd stated that he would have no objection to having the requirement for keeping the children indoors after 4:00 p.m. deleted from the draft resolution. However, in order to accommodate the neighboring property owner, the school intended to keep the children indoors after 4:00 p.m. in any case.

William Sullivan, owner of property located next-door to the subject site, stated that the main effect of the two-week postponement had been to give the applicants additional time to solicit more support for their proposal; and he remarked that the petitions which had been submitted did not reflect the opinions of the people who live on either side of the subject property. Both he and the other adjacent property owner objected to the proposed use because of the noise problem. He believed that the use had been installed on the premises illegally; and he advised the Commission that the wiring in the subject building had been installed by the applicant without benefit of a permit. He noted that the City Planning Code provides that Conditional Use Applications should not be granted if uses proposed would be detrimental to the health, safety, and welfare of adjacent property owners; and he advised the Commission that he has an incurable blood disease. He stated that the noise created by the children in the nursery school is intolerable; and the use is prejudicial to his health because it does not allow him to get sufficient rest. The school had been created for the convenience of the applicants; and he felt that the use might cease to exist when their child is old enough to enroll in a pre-school program. In the meantime, the continued operation of the school would deprive him of his right to enjoy his own property.

Commissioner Bierman felt that it was unfortunate that the noise created by the children is annoying to adjacent property owners. However, she observed that the subject building contains two dwelling units; and, if the Commission were to disapprove the Conditional Use Application, the applicants might move elsewhere. If so, it was conceivable that the two dwelling units could be occupied by families each having several children; and the noise problem might be comparable to that which presently exists. She emphasized that living in a city may mean living in close proximity to children. A nursing home is located in her own neighborhood; and she remarked that that sort of use can also be distressing to adjacent property owners. Nevertheless, we all live in a city; and, as a result, we must all learn to live with the human condition. She felt that the application should be approved subject to conditions which would mitigate the noise problem; and, while she did not believe that the authorization should be limited to a one year period, she felt that the staff should continue to monitor the situation. She then moved that

the application be granted subject to the following conditions:

- "1. That this authorization is for a maximum of 10 children aged 6 months to 3 years in a day care program operated between 7:45 A.M. and 6:00 P.M. Monday through Friday.
- "2. That no non-residential alterations shall be made on the property.
- "3. That no signs shall be installed or displayed on the property.
- "4. That measures to reduce objectionable noise observable to adjacent residents shall be taken immediately including the adoption of a schedule which requires that the children be kept indoors each afternoon after 4:00 P.M.; and the closing of windows and doors on the south side of the building.
- "5. The Department of City Planning shall review this authorization and the observance of conditions and report to the City Planning Commission in one year from the effective date of the resolution."

The motion was seconded by Commissioner Dearman. When the question was called, the Commission voted unanimously to adopt the draft resolution, as revised, as City Planning Commission Resolution No. 7623 and to approve the application subject to the modified conditions.

DR76.40 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NO. 464923 FOR A 3-STORY OFFICE BUILDING
AT 1892-98 UNION STREET.

(Continued from Meeting of December 2, 1976.)

The Secretary read the following letter which had been received from Alan L. Wenroff, President of the Union Street Association:

"Members of the Union Street Association Board of Directors met with the architects and leasing agent for the building projected at Laguna and Union Streets this week, were shown a rendering and again asked for changes in the design.

"At the end of the meeting, the architects did agree to add a 2 x 6 inch trim at the top of the structure and its cover and the Board subsequently voted to withdraw its request for discretionary review. However, we feel it is important you know what the general feeling of the Board was:

- "1. the building is not compatible with the other buildings on the street and on that block in particular;

- "2. the board will begin both to identify building and design characteristics on the street and to create a set of guidelines for new construction and remodeling to help preserve the character created by Victorians and old San Francisco buildings;
- "3. that this should not be used as a precedent for future construction and this, we hope, will be the last such contemporary redwood building added to the street;
- "4. that the absence of guidelines in advance of the design of this structure and the hardship caused to the owners by further delay had considerable impact on the decision but that after such guidelines have been prepared, those issues will not have such impact on the Board;
- "5. that the Association hopes to maintain closer liason with the Planning Commission and the staff so as to become involved earlier when major renovations and construction projects are planned for the area;

"We recognize the tremendous time required for the Planning Commission to decide questions of aesthetics and neighborhood compatibility and are willing to undertake the initial effort to create guidelines with the hope that the Commission and its staff will help up in our attempts to enhance and preserve the special charm that Union Street offers to residents and visitors alike."

The Commission accepted the withdrawal of the request for discretionary review.

At this point in the proceedings, Commissioner Dearman temporarily absented herself from the meeting room

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 467598 FOR BUILDING AT 1828 UNION STREET.

Robert Passmore, Planner V (Zoning), stated that the subject Building Permit Application had just been received in the Department of City Planning; and he indicated that the staff had not had sufficient opportunity to review the proposal or to prepare a recommendation for the Commission. Therefore, he recommended that consideration of the request for discretionary review be taken under advisement until the meeting of January 6, 1977.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman and carried unanimously that this matter be taken under advisement until the meeting of January 6, 1977.

At this point in the proceedings, Commissioner Dearman returned to the meeting room and reassumed her seat at the Commission table. Commissioner Elliott left the room and was absent for the remainder of the meeting.

PRESENTATION AND PRELIMINARY CONSIDERATION OF A PLAN FOR THE NORTHEASTERN WATERFRONT, A PROPOSAL FOR CITIZEN REVIEW.

Following introductory remarks by George A. Williams, Assistant Director-Plans and Programs, various aspects of the Plan were summarized by Charles Gill, City Planning Coordinator; Robert Meyers, City Planning Coordinator; and Alan Billingsley, Planner II. The staff then responded to questions raised by members of the Commission.

Individual members of the Commission expressed concern about a drawing on page 30 of the staff report which depicted possible development on inland property south of the Ferry Building. The Commissioners felt that the drawing reflected a density which would be neither permissible or desirable; and the staff was requested to make modifications in the sketch.

Barney Gould stated that he is very much interested in the concept of historic ship preservation; and he was pleased to note that it appeared that the plan which had been prepared by the staff of the Department of City Planning would permit such a use between Piers 1 and 3. He regarded the property in the vicinity of the Ferry Building as one of the most valuable properties in the United States; and he emphasized that whatever development occurs in that area should not be approached on a piecemeal basis. In his opinion, the area should be developed with new attractions which would appeal to families and which would bring nighttime activity to the area.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, requested the staff of the Department of City Planning to make an abbreviated presentation of the Plan during the January 5 meeting of her Board. She noted that the Landmarks Preservation Advisory Board is currently reviewing buildings in the Base of Telegraph Hill Area; but she emphasized that the Board is focusing more on the architectural character of the buildings than on their historic significance.

Ron Freebairn-Smith, 300 Broadway, stated that he was generally supportive of the Plan which had been prepared by the staff of the Department of City Planning. However, he was concerned that removal of the Embarcadero Freeway may relocate high speed traffic to surface streets in the area; and, while he was in favor of having the freeway removed, he suggested that a traffic plan for the area should be prepared before the freeway is removed. He also advised the Commission that he would like to participate in the development of specific designs for the Ferry Building area.

Commissioner Rosenblatt remarked that all of the members of the Northern Waterfront Planning Advisory Committee had agreed to endorse the proposed plan; and given the broad base of the Committee, he felt that their willingness to compromise represented a remarkable achievement.

After further discussion, President Lau ordered that this matter be continued until the meeting of January 6, 1977.

CONSIDERATION OF THE DEPARTMENT OF CITY PLANNING'S PROPOSED WORK
PROGRAM AND BUDGET FOR FISCAL YEAR 1977-78.

Copies of the proposed work program and budget, as prepared by the staff of the Department of City Planning, were distributed to members of the Commission. After discussion, the Commission decided to schedule a Special Meeting on Wednesday morning, December 22, at 11:00 a.m. to review the proposed work program and budget in detail.

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

MINUTES AND SUMMARY
OF THE
SAN FRANCISCO
CITY PLANNING COMMISSION
SPECIAL MEETING
WEDNESDAY
DECEMBER 22, 1976
100 LARKIN STREET
11:00 A.M.

PRESENT: Toby Rosenblatt, Vice-President; and Susan J. Bierman, Ina F. Dearman, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Gordon J. Lau, President; and James J. Finn, and Thomas J. Mellon, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Lucian Blazej, Planner IV; Alan Lubliner, City Planning Co-ordinator; Moira So, City Planning Co-ordinator; Dick Swanson, Staff Assistant IV; Mark Winogron, Planner II; and Lynn E. Pio, Secretary.

CONSIDERATION OF THE DEPARTMENT OF CITY PLANNING'S PROPOSED WORK PROGRAM AND BUDGET FOR THE FISCAL YEAR 1977-78.
(Continued from meeting of December 16, 1976.)

The Commission and staff engaged in a discussion of work program and budget issues.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, requested the Commission to include staff for her Board in its budget.

At the conclusion of the discussion, the Commission requested the Director to submit revised work program and budget recommendations for consideration on January 6 or at a Special Meeting to be scheduled that week.

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,

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